

CA26N YX21 -S21

Digitized by the Internet Archive in 2022 with funding from University of Toronto



Statutes

Ontario. Statutes

STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

1951, v. 1

Fifteenth Year of the Reign of His Majesty KING GEORGE VI

Being the Third Session of the Twenty-Third Legislature of Ontario

BEGUN AND HOLDEN AT TORONTO ON THE FIRST DAY OF FEBRUARY IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND FIFTY-ONE



ONTARIO

525451 27.7.81

HIS HONOUR RAY LAWSON, LIEUTENANT-GOVERNOR

STATUTES

2111 70

PROVINCE OF ONTARIO

THE ST OFTEN ADDRESS THE ALL OTHERS

Fifteenth Year of the Reign of His Majesty

Ceing the Tend Session of the Twenty-Third Legislature of Ontario

THE VALUE OF THE SHEET AND THE STATE OF THE



Seetel

HIS HONOUR RAY LAWSON, I ISUTENASSTATOWERSON

Total and Published by Bagint Journal Printer to the L

TABLE OF CONTENTS

To all of the late	DAGE
Index to Statutes, 1951	PAGE 509-681
Table of Public Statutes and Amendments: R.S.O. 1950 and 1951	583-691
Table of Proclamations: R.S.O. 1950 and 1951	693
PART I	
15 Geo. VI (1951) Chap. PUBLIC ACTS	
1 — The Active Service Election Act, 1951 (Bill No. 134)) 1
2 — An Act to amend The Adoption Act	3
3 — An Act to amend The Alcoholism Research Foundation Act, 1949 (Bill No. 143)	5
4 — An Act to amend The Assessment Act(Bill No. 126	7
5 — An Act to amend The Beds of Navigable Waters Act (Bill No. 145)	17
6 — An Act to amend The Boards of Education Act. (Bill No. 72; 157, s. 3	19
7 — The Boilers and Pressure Vessels Act, 1951(Bill No. 80) 21
8 — An Act to amend The Change of Name Act(Bill No. 71	37
9 — An Act to amend The Charitable Institutions Act(Bill No. 83) 39
10 — An Act to amend The Charities Accounting Act(Bill No. 158) 41
11 — An Act to amend The Children's Protection Act(Bill No. 111) 43
12 — An Act to amend The Community Centres Act (Bill No. 138	45
13 — An Act to amend The Companies Act	47
14 — An Act to amend The Continuation Schools Act(Bill No. 73	57
15 — An Act to amend The Coroners Act (Bill No. 103; 157, s. 4	59
16 — An Act to amend The County Judges Act(Bill No. 38	61
17 — An Act to amend The Day Nurseries Act(Bill No. 50	63
18 — An Act to amend The Department of Education Act(Bill No. 44	65

iv CONTENTS

(1951) Chap.	PAGE
19 — An Act to amend The Department of Municipal Affairs Act (Bill No. 124)	67
20 — An Act to amend The Deserted Wives' and Children's Maintenance Act(Bill No. 40; 157, s. 6)	69
21 — The Election Act, 1951	71
22 — An Act to amend The Escheats Act(Bill No. 135)	165
23 — An Act to amend The Factory, Shop and Office Building Act (Bill No. 92)	167
24 — An Act to promote Fair Employment Practices in Ontario (Bill No. 121)	169
25 — An Act to amend The Farm Products Marketing Act (Bill No. 116)	173
26 — An Act to ensure Fair Remuneration to Female Employees (Bill No. 120)	177
27 — An Act to amend The Fire Departments Act(Bill No. 76)	181
28 — An Act to amend The Forest Fires Prevention Act (Bill No. 105)	183
29 — An Act to amend The Game and Fisheries Act(Bill No. 130)	185
30 — An Act respecting Gas Pipe Lines	191
31 — An Act to provide for Uniformity of Assessment in Greater Toronto (Bill No. 153)	195
32 — An Act to amend The High Schools Act (Bill No. 100)	201
33 — An Act to amend The Highway Improvement Act(Bill No. 93)	205
34 — An Act to amend The Highway Traffic Act(Bill No. 152)	213
35 — An Act to amend The Homes for the Aged Act(Bill No. 82)	219
36 — An Act to amend The Hospitals Tax Act (Bill No. 150)	221
37 — An Act to amend The Housing Development Act (Bill No. 77)	223
38 — An Act to suspend The Income Tax Act (Ontario) in respect of Income of the Calendar Year 1950(Bill No. 160)	225
39 — An Act to amend The Insurance Act (Bill No. 154)	227
40 — An Act to amend The Judicature Act(Bill No. 102)	255

CONTENTS

(1951)	
Chap. 41 — An Act to amend The Jurors Act	PAGE 257
42 — An Act to amend The Justices of the Peace Act(Bill No. 41)	261
43 — An Act to amend The Land Titles Act(Bill No. 42)	263
44 — An Act to amend The Land Transfer Tax Act(Bill No. 147)	265
45 — An Act to amend The Law Society Act(Bill No. 136)	267
46 — An Act to provide for the Regulation of Leaseholds(Bill No. 133)	269
47 — An Act to amend The Liquor Licence Act(Bill No. 99)	271
48 — An Act to amend The Local Improvement Act(Bill No. 123)	277
49 — An Act to amend The Mental Hospitals Act(Bill No. 78)	279
50 — An Act to amend The Milk Control Act(Bill No. 129)	281
51 — An Act to amend The Mining Act (Bill No. 54; 137)	285
52 — An Act to amend The Mothers' Allowances Act (Bill No. 112)	289
53 — An Act to amend The Municipal Act (Bill No. 49; 127)	293
54 — An Act to amend The Natural Gas Conservation Act(Bill No. 91)	307
55 — An Act to facilitate the Development of Power on the Niagara River(Bill No. 118)	309
56 — An Act to approve an Agreement between Canada and Ontario respecting the Development of the Niagara River (Bill No. 132)	313
57 — An Act to amend The Niagara Parks Act (Bill No. 141)	317
58 — An Act respecting the Registration of Nurses (Bill No. 139)	319
59 — An Act respecting Nursing	321
60 — An Act to amend The Old Age Pensions Act(Bill No. 81)	323
61 — An Act to amend The Oleomargarine Act (Bill No. 114)	325
62 — An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund(Bill No. 151)	327
63 — An Act to amend The Optometry Act (Bill No. 159)	329
64 — An Act to amend The Pharmacy Act(Bill No. 156)	331

vi CONTENTS

5 Geo. VI (1951) Chan.	PAGE
65 — An Act to amend The Planning Act	335
66 — An Act to amend The Police Act(Bill No. 95)	337
67 — An Act to amend The Power Commission Act(Bill No. 117; 161)	339
68 — An Act to amend The Private Forest Reserves Act(Bill No. 106)	345
69 — An Act to amend The Provincial Loans Act(Bill No. 149)	347
70 — An Act to amend The Public Health Act(Bill No. 144)	349
71 — An Act to amend The Public Lands Act (Bill No. 131)	351
72 — An Act to amend The Public Officers' Fees Act(Bill No. 101)	355
73 — An Act to amend The Public Schools Act(Bill No. 74)	357
74 — An Act to amend The Public Service Act(Bill No. 48; 157, s. 11)	359
75 — An Act to amend The Public Utilities Act(Bill No. 122)	361
76 — An Act to amend The Racing Commission Act(Bill No. 37)	363
77 — An Act to amend The Railway Fire Charge Act(Bill No. 67)	365
78 — An Act to amend The Registry Act(Bill No. 142)	367
79 — An Act to confirm the Revised Statutes of Ontario, 1950 (Bill No. 35)	369
80 — An Act respecting Rural Telephone Systems (Bill No. 146)	371
81 — An Act to amend The Sanatoria for Consumptives Act (Bill No. 79)	373
82 — An Act to amend The School Sites Act(Bill No. 45)	375
83 — The Statute Law Amendment Act, 1951 (Bill No. 157, parl)	377
84 — An Act to amend The Succession Duty Act(Bill No. 148)	381
85 — An Act for granting to His Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March,	
1951, and for the Public Service for the fiscal year ending the 31st day of March, 1952	383
86 — An Act to amend The Teachers' Superannuation Act (Bill No. 75; 157, s. 13)	387
87 — An Act to amend The Training Schools Act(Bill No. 58)	389
88 — An Act to amend The Trustee Act(Bill No. 96)	391

CONTENTS	V11
	7 4.

15 Geo. VI	
(1951) Chap. 89 — An Act to amend The Unclaimed Articles Act (Bill No. 43)	PAGE 393
90 — An Act to amend The Unemployment Relief Act (Bill No. 113)	395
91 — An Act to amend The Vital Statistics Act(Bill No. 125)	397
92 — An Act to amend The Vocational Education Act (Bill No. 46)	399
93 — The Voters' Lists Act, 1951 (Bill No. 109)	401
94 — An Act to amend The Wolf and Bear Bounty Act(Bill No. 104)	455
95 — An Act to amend The Workmen's Compensation Act(Bill No. 66)	457
PART II	
PRIVATE ACTS	
96 — An Act respecting Barclays Trust Company of Canada(Bill No. 3)	463
97 — An Act respecting the City of Belleville Bus Franchise (Bill No. 21)	467
98 — An Act respecting the Brockville General Hospital (Bill No. 28)	473
99 — An Act respecting the Township of East York(Bill No. 23)	477
100 — An Act respecting the City of Fort William (Bill No. 13)	479
101 — An Act respecting the General Trust of Canada (Trust Général du Canada)(Bill No. 8)	483
102 — An Act to incorporate The Greater Niagara General Hospital (Bill No. 29)	487
103 — An Act respecting the City of Hamilton(Bill No. 19)	493
104 — An Act respecting The Incorporated Synod of the Diocese of Ottawa	511
105 — An Act respecting the Jewish Community Centre of Toronto (Bill No. 16)	513
106 — An Act respecting the Jewish Congregation Anshe-Sholem of Hamilton	515
107 — An Act respecting the City of London	517
108 — An Act respecting the Township of Moore (Bill No. 11)	525
109 — An Act respecting the City of Niagara Falls(Bill No. 1)	527

viii CONTENTS

15 Geo. VI (1951) Chap.	PAGE
110 — An Act respecting the City of Oshawa(Bill No. 26)	533
111 — An Act respecting the City of Ottawa (Bill No. 24)	555
112 — An Act respecting the Rideau Club	569
113 — An Act respecting the City of Sarnia	571
114 — An Act respecting the City of St. Catharines (Bill No. 33)	573
115 — An Act respecting the Incorporated Synod of the Diocese of Ontario and St. Thomas Church, Belleville(Bill No. 18)	575
116 — An Act respecting the City of St. Thomas(Bill No. 10)	577
117 — An Act respecting the City of Toronto(Bill No. 27)	581
118 — An Act respecting The United Church of Canada(Bill No. 7)	583
119 — An Act respecting Victoria University (Bill No. 31)	585
120 — An Act respecting The Windsor Utilities Commission (Bill No. 20)	597
121 — An Act respecting the City of Woodstock	599
122 — An Act respecting Wycliffe College (Bill No. 4)	603
123 — An Act respecting The Young Men's Christian Association of Greater Niagara	605

PART I PUBLIC ACTS Chapters 1 to 95





15 GEORGE VI

CHAPTER 1

The Active Service Election Act, 1951

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Notwithstanding *The Election Act*, 1951 or any Active other Act, every active service voter as defined by the re-voter, gulations under this Act shall be entitled to vote, either right to within or without Ontario, at a general election to the Assembly in the manner prescribed by such regulations.
- (2) Every active service voter shall be permitted to vote Right to for a candidate in the electoral district in which the active candidate in service voter was ordinarily resident for at least thirty days electoral immediately preceding the day on which he became qualified where as an active service voter, and his vote shall be counted for a resident. candidate in such electoral district and in no other.
- 2.—(1) Subject to the approval of the Lieutenant-Gover-Regulations in Council, the Chief Election Officer may make regulations for obtaining the votes of active service voters, including prisoners of war, and for carrying out the provisions of section 1 and for the efficient administration thereof, and may by such regulations,
 - (a) define "active service voter" for the purposes of this Act and the regulations made under this Act;
 - (b) prescribe the qualifications of active service voters;
 - (c) provide for the establishment of voting territories within and without Ontario;
 - (d) provide for the appointment of special returning officers, special deputy returning officers and such other officers as may be required, and define their duties;
 - (e) prescribe the procedure for polling the votes and counting the ballots;

[1]

- (f) authorize the fixing of hours of polling;
- (g) prescribe the procedure to be followed in communicating the result of the voting in voting territories to the returning officers in the various electoral districts;
- (h) prescribe the forms to be used for the purposes of this Act; and
- (i) make such other regulations as he may deem necessary for the better carrying out of this Act.

Regulations may alter 1951, c. 21.

(2) The regulations made under this section may have the effect of altering any of the provisions of *The Election Act*, 1951 to such extent as may be deemed expedient by the Chief Election Officer with the approval of the Lieutenant-Governor in Council for the purpose of carrying out the provisions of section 1.

Voting by ballot.

3. Notwithstanding any of the other provisions of this Act, the regulations made under section 2 shall, except in the case of prisoners of war, provide for depositing the voting paper of an active service voter in a ballot box in the presence of such active service voter.

Cases of emergency.

4. In cases of emergency the Chief Election Officer may give such directions as he may deem proper in order that the purpose of this Act may be accomplished and anything done in compliance with such directions shall not be open to question.

1945, c. 1, repealed.

5. The Active Service Election Act, 1945 is repealed.

Commencement.

6. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

7. This Act may be cited as The Active Service Election Act, 1951.

An Act to amend The Adoption Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Subsection 1 of section 3 of *The Adoption Act* is amended Rev. Stat.. by striking out the figure "1" in the first line and inserting in subs. 1, lieu thereof the figure "2".
- **2.** Clause a of section 8 of *The Adoption Act* is amended Rev. Stat., by striking out the words "two years" in the first line and cl. a, inserting in lieu thereof the words "one year", so that the clause shall read as follows:
 - (a) that the infant has lived for at least one year with the applicant and that during that period the conduct of the applicant and the conditions under which the infant has lived have been such as to justify the making of the order; or

.

3. This Act may be cited as The Adoption Amendment Short title. Act, 1951.



An Act to amend The Alcoholism Research Foundation Act, 1949

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 7 of *The Alcoholism Research Foundation Act*, ¹⁹⁴⁹, 1949 is repealed and the following substituted therefor: re-enacted.
 - 7. The objects of the Foundation shall be and it shall powers. have power,
 - (a) to conduct and promote a programme of research in alcoholism; and
 - (b) to conduct, direct and promote programmes for,
 - (i) the treatment of alcoholics,
 - (ii) the rehabilitation of alcoholics, and
 - (iii) experimentation in methods of treating and rehabilitating alcoholics.
 - 7a.—(1) For the furtherance of its objects, the Founda-Powers. tion may,
 - (a) establish, conduct, manage and operate hospitals, clinics and centres for the observation and treatment of and for consultation with alcoholics; and
 - (b) enter into agreements,
 - (i) with hospitals and other institutions for the accommodation, care and treatment of alcoholics, and

(ii) with universities, hospitals and other institutions for the experimentation in methods of treatment of alcoholics.

Grants to institutions.

(2) The Foundation may make grants to the institutions referred to in clause b of subsection 1 for the purposes of carrying out such care, treatment and experimentation.

1949, c. 4, s. 15, amended.

2. Section 15 of *The Alcoholism Research Foundation Act*, 1949 is amended by striking out the words "and *The Hospitals Aid Act*, 1948" in the first and second lines and by striking out the words "under *The Hospitals Aid Act*, 1948" in the sixth line, so that the section shall read as follows:

Grants in aid.

Rev. Stat., c. 307. 15. Notwithstanding *The Public Hospitals Act*, the Lieutenant-Governor in Council may designate any hospital established under this Act as a hospital within the meaning of *The Public Hospitals Act* and a hospital so designated shall be eligible to receive grants in accordance with the regulations under that Act.

1949. c. 4, amended.

3. The Alcoholism Research Foundation Act, 1949 is amended by adding thereto the following section:

Application of Rev. Stat., c. 307, s. 11.

15a. The provisions of section 11 of *The Public Hospitals*Act shall not apply to a hospital designated under section 15.

Commencement.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as The Alcoholism Research Foundation Amendment Act, 1951.

An Act to amend The Assessment Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- following substituted therefor:
 - 35.—(1) In any municipality where lands held and used Exemption as farm lands only and in blocks of not less than lands from taxation for five acres by any one person are not benefited to as certain great an extent by the expenditure of moneys for expenditures. and on account of public improvements, of the character hereinafter mentioned, in the municipality as other lands therein generally, the council shall annually before the 1st day of March pass a by-law declaring what part, if any, of such lands shall be exempt or partly exempt from taxation for the expenditures of the municipality incurred for waterworks, fire protection, garbage collection, sidewalks, pavements or sewers, or the lighting, oiling, tarring, treating for dust or watering of the streets, regard being had in determining such exemption to any advantage, direct or indirect, to such lands arising from such expenditures or any of them.

- (2) The clerk shall forthwith notify by registered mail Notice. each person affected by the by-law as to what exemption is provided for his lands by the by-law.
- (3) Any person complaining that the by-law does not Appeal exempt or sufficiently exempt him or his lands from against by-law. taxation may within fourteen days after the mailing of the notice notify the clerk of the municipality of his intention to appeal against the provisions of the by-law, or any of them, to the judge of the county court who shall have full power to alter or vary any or all of the provisions of the by-law and to determine the matter of complaint in accordance with the spirit and intent of this section.

Appeal where no by-law passed.

(4) If the council fails to pass the by-law before the 1st day of March, any person affected may, on or before the 21st day of March, notify the clerk of the municipality of his intention to appeal to the judge of the county court, who shall have full power to entertain the appeal and may make an order declaring what part, if any, of the lands of the person appealing shall be exempt or partly exempt from taxation, and the clerk shall prepare or amend the collector's roll in accordance with the order.

Procedure on appeals.

(5) The provisions of this Act as to appeals from a court of revision to the county judge and as to the amendment of the assessment roll thereon shall, so far as applicable, regulate and govern the procedure to be followed upon appeals under this section and the amendment of the by-law thereon.

Assessment appeals not affected.

(6) Nothing in subsections 3, 4 and 5 shall be deemed to prevent or affect any right of appeal against an assessment.

Notice of decision and appeal.

(7) The clerk shall cause notice of the decision on any appeal under this section to be given by registered mail to the appellant, and an appeal shall lie from the decision of the judge to the Ontario Municipal Board which shall have the powers of the judge under this section, and the provisions of section 80 shall apply, *mutatis mutandis*, to the appeal.

Rev. Stat., c. 24, s. 44, subs. 1, amended.

2. Subsection 1 of section 44 of *The Assessment Act* is amended by inserting after the word "February" in the second line the words "to the assessment commissioner, or if none," and by striking out all the words after the word "mentioned" in the twenty-first line and inserting in lieu thereof the words "and where the clerk receives the statement he shall forward it to the assessor", so that the subsection shall read as follows:

Railway companies to furnish certain statements to municipalities.

- (1) Every steam railway company shall transmit annually on or before the 1st day of February to the assessment commissioner, or if none, to the clerk of every municipality in which any part of the roadway or other real property of the company is situate, a statement showing,
 - (a) the quantity of land occupied by the roadway, and the actual value thereof (according to the average value of land in the locality) as rated on the assessment roll of the previous year;

- (b) the vacant land not in actual use by the company and the value thereof;
- (c) the quantity of land occupied by the railway and being part of the highway, street, road or other public land (but not being a highway, street or road which is merely crossed by the line of railway) and the assessable value as hereinafter mentioned of all the property belonging to or used by the company upon, in, over, under, or affixed to the same;
- (d) the real property, other than aforesaid, in actual use and occupation by the company, and its assessable value as hereinafter mentioned,

and where the clerk receives the statement he shall forward it to the assessor.

- **3.** Section 51 of *The Assessment Act* is repealed and the Rev. Stat., following substituted therefor:

 C. 24, s. 51, re-enacted.
 - 51.—(1) The clerk of the municipality shall, after the Additions to 1st day of January and before the 28th day of collector's November in any year, enter in the collector's roll,
 - (a) the value, as certified by the assessor, of any building as determined by section 33 which after the 1st day of January is erected, altered or enlarged and as erected, altered or enlarged is occupied or reasonably fit for occupancy;
 - (b) the value, as certified by the assessor, of any building or land or portion thereof which after the 1st day of January ceases to be exempt from taxation; and
 - (c) the name of any person who after the 1st day of January commences to occupy or use land for any business purpose mentioned in section 6, and the amount of the business assessment with respect thereto, as certified by the assessor.
 - (2) Where an entry is made in the collector's roll under Amount of this section, the amount of the taxes to be levied thereon shall be a portion of the amount of taxes which would have been levied for the current year if the assessment had been made in the usual way,

and that portion shall be in the ratio that the number of months remaining in the current year after the month in which the notice provided for in subsection 3 is delivered or sent, bears to the number 12, and shall be entered on the collector's roll and collected in the same manner as if the assessment had been made in the usual way.

Notice and appeals.

(3) Where an entry is made or is to be made in the collector's roll under this section, the clerk shall deliver to or send by registered letter post to the person to be taxed a notice setting out the amount of the assessment, and the same rights in respect of appeal shall lie as if the assessment had been made in the usual way.

Distribution.

- (4) Where taxes are levied under this section,
 - (a) the amount thereof which, if the taxes had been levied in the usual way, would have been paid to any body for which the council is required by law to levy rates shall be set up in the accounts of the municipality as a credit accruing to that body in the same proportion as the levy for that body bears to the total levy;
 - (b) the amount credited to a body under clause a shall be used to reduce the levy for the purposes of that body in the next succeeding year;
 - (c) the balance remaining after the setting up of all credits as provided in clause a shall be taken into the general funds of the municipality;
 - (d) in making the distribution as provided in this subsection each body and the municipality shall suffer proportionately for any deficiency caused by the abatement of or inability to collect such taxes.

Treasurer's statement.

(5) The treasurer, upon crediting an amount to any body under clause a of subsection 4, shall deliver to that body a statement sufficient to enable the body to determine the correctness of the credit.

Additions to assessment roll.

51a.—(1) The clerk of the municipality shall, after the return of the assessment roll and on or before the 31st day of December in any year, add to the assessment roll, at the end thereof,

- (a) the value, as certified by the assessor, of any building as determined by section 33 which after the return of the roll is erected, altered or enlarged and as erected, altered or enlarged is occupied or reasonably fit for occupancy;
- (b) the value, as certified by the assessor, of any building or land or portion thereof which after the return of the roll ceases to be exempt from taxation; and
- (c) the name of any person who after the return of the roll commences to occupy or use land for any business purpose mentioned in section 6, and the amount of the business assessment with respect thereto, as certified by the assessor.
- (2) Where an addition is made to the assessment roll Notice and under this section, the clerk shall forthwith deliver to or send by registered letter post to the person assessed a notice setting out the amount of the assessment, and the same rights in respect of appeal shall lie as if the assessment had been made in the usual way.
- (3) Notwithstanding section 54, where additions are Last revised assessment made to an assessment roll under this section, the roll, what last revised assessment roll shall,
 - (a) for the purpose of fixing and levying the rate of taxation in any year, be deemed to include the assessments added under this section; and
 - (b) for the purpose of equalizing assessments between municipalities in a county, be deemed to include the assessments added under clauses a and b of subsection 1.
- **4.**—(1) Subsection 6 of section 53 of *The Assessment Act* Rev. Stat., is amended by striking out the words "passed with the subs. 6, approval of" in the fifth and sixth lines and inserting in lieu thereof the words "approved by", so that the subsection shall read as follows:
 - (6) Where in any year it appears to the council of a Special extension of municipality that the assessment roll or the assess-time for ment roll of any ward, division of a ward or group assessment of polling subdivisions will not be returned to the roll. clerk by the 1st day of October, the council may,

by by-law approved by the Department, extend the time for return of that assessment roll for such period, not exceeding sixty days, subsequent to the 1st day of October as appears necessary; provided that when such a by-law is passed, the time for closing the court of revision for that year shall be extended for a period corresponding to that for which the time for return of the assessment roll has been extended.

Rev. Stat., c. 24, s. 53, subs. 7, re-enacted.

(2) Subsection 7 of the said section 53 is repealed and the following substituted therefor:

Time of passing and approval.

(7) No by-law passed under subsection 6 shall be valid unless it is both passed by the council and approved by the Department on or before the 1st day of October.

Rev. Stat., c. 24, s. 55, re-enacted.

5. Section 55 of *The Assessment Act* is repealed and the following substituted therefor:

Assessment of annexed areas.

55.—(1) Where any land is detached from one municipality and annexed to another municipality after the return of the assessment roll of the latter municipality, the council of the latter municipality shall pass a by-law in the year in which taxation is to be levied on that assessment roll adopting the assessments of the lands annexed, as last revised while they were part of the first-mentioned municipality, as the basis of the assessment of such lands for taxation in that year by the municipality to which the lands are annexed.

Notice of assessment and appeals.

(2) The clerk of the municipality, forthwith after the passing of the by-law under subsection 1, shall deliver or send by registered letter post to every person assessed in respect of the lands annexed, a notice setting out the amount of the assessment, and the same rights in respect of appeal shall apply as if the assessment had been made in the usual way notwithstanding that the person assessed did not appeal, or notwithstanding the disposition of any appeal taken, as the case may be, in respect of the assessment while the lands were a part of the municipality from which they became detached.

Rev. Stat., c. 24, s. 73, amended.

6. Section 73 of *The Assessment Act* is amended by striking out all the words after the word "appeal" in the sixth line, so that the section shall read as follows:

Assessment roll to be produced to the court.

73. At the court to be held by the county judge, or acting judge of the court, to hear the appeals here-

13

1951

inbefore provided for, the person having charge of the assessment roll passed by the court of revision shall appear and produce such roll, and all papers and writings in his custody connected with the matter of the appeal.

- 7. Section 79 of *The Assessment Act* is repealed and the Rev. Stat., c. 24, s. 79, following substituted therefor:
 - 79.—(1) The clerk shall alter and amend the assessment Alteration roll in accordance with the decisions of the judge, clerk. and shall write his name or initials against every alteration or amendment.
 - (2) When the judge has heard and decided an appeal, Notice of the clerk shall thereupon cause notice of the decision in such appeal to be given by registered mail to the persons to whom notice of the hearing was given.
- **8.**—(1) Subsection 2 of section 80 of *The Assessment Act* Rev. Stat., is amended by inserting after the figures "51" in the sixth subs. 2. amended. line the figures "51a", so that the subsection shall read as follows:
 - (2) An appeal shall also lie to the Ontario Municipal Appeal under ss. 50, Board from a decision, 51, 51a and 124.
 - (a) of the county judge; or
 - (b) of the court of revision, where no appeal is taken to the county judge,

given under the provisions of sections 50, 51, 51a and 124.

- (2) Subsection 4 of the said section 80 is amended by Rev. Stat., striking out the words "within twenty-one days after the subs. 4, decision of the court of revision or county judge has been amended. delivered in open court or when the decision is reserved" in the fifth, sixth and seventh lines and by striking out the figure "1" in the ninth line and inserting in lieu thereof the figure "2", so that the subsection shall read as follows:
 - (4) A notice of appeal to the Board under this section Notice of shall be sent by the party appealing by registered appeal. mail to the secretary thereof and to the persons to whom notice of the hearing before the court of revision or judge, as the case may be, was given within twenty-one days after notice thereof has been given by the clerk under subsection 22 of section 69 or subsection 2 of section 79, as the case may be.

ASSESSMENT

Rev. Stat., c. 24, s. 112, re-enacted.

9. Section 112 of *The Assessment Act* is repealed and the following substituted therefor:

Notice of address for tax bills.

112. Where a person assessed furnishes the clerk with a notice in writing giving the address to which the notice of taxes may be delivered to him and requesting that the notice be delivered to such address by registered mail, the notice shall be so delivered by the collector who shall add the cost of registration to the taxes, and such notice shall stand until revoked in writing.

Rev. Stat., c. 24, s. 120, subs. 1, re-enacted; subs. 2, repealed.

10. Subsections 1 and 2 of section 120 of *The Assessment Act* are repealed and the following substituted therefor:

Dates for return of collector's roll.

(1) Subject to subsection 3, every collector shall return his roll to the treasurer on or before the 30th day of April in the year next following the year in which the taxes were levied, or on such earlier date in that year as the council may appoint.

Rev. Stat., c. 24, s. 126, subs. 1, amended.

11.—(1) Subsection 1 of section 126 of *The Assessment Act* is amended by striking out the word "fourteen" in the fourth line and inserting in lieu thereof the word "thirty" and by striking out the words "and before the 8th day of April" in the fifth and sixth lines, so that the subsection shall read as follows:

Statement to be furnished to county treasurer.

(1) In cases in which the county treasurer is required to collect arrears of taxes of a township or village, the treasurer of the township or village, as the case may be, shall within thirty days after the time appointed for the return and final settlement of the collector's roll in every year, furnish the county treasurer with a statement of all unpaid taxes and school rates directed in the said collector's roll or by school trustees to be collected.

Rev. Stat., c. 24, s. 126, subs. 2, amended.

(2) Subsection 2 of the said section 126 is amended by striking out the words "8th day of April" in the sixth line and inserting in lieu thereof the words "7th day of June", so that the subsection shall read as follows:

Contents of

(2) Such statement shall contain a description of the lots or parcels of land, a statement of unpaid arrears of taxes, if any, and of arrears of taxes paid, on lands of non-residents which have become occupied, as required by section 132, and the county treasurer shall not be bound to receive any such statement after the 7th day of June in each year.

- **12.** The Assessment Act is amended by adding thereto the Rev. Stat., following section:
 - 230a. Where assessment rolls, assessment notices, col-Preparation lector's rolls and tax notices are not prepared by in ink. mechanical methods, they shall be written in ink and any corrections, alterations or amendments of such rolls or notices shall be written in ink and initialled by the person making the change with the date of the change clearly shown.
 - 13. Section 236 of The Assessment Act is repealed.

Rev. Stat., c. 24, s. 236, repealed.

15

- **14.**—(1) This Act, except sections 1, 2, 10, 11, 12 and 13, Commence-shall come into force on the day it receives the Royal Assent.
- (2) Sections 1, 2, 10, 11 and 12 shall come into force on the ^{Idem}. 1st day of January, 1952.
- (3) Section 13 shall be deemed to have come into force on ^{Idem}. the 1st day of January, 1951.
- 15. This Act may be cited as The Assessment Amendment Short title. Act, 1951.



An Act to amend The Beds of Navigable Waters Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 1 of *The Beds of Navigable Waters Act* is repealed. Rev. Stat., repealed.
- 2. Section 2 of *The Beds of Navigable Waters Act* is repealed Rev. Stat., and the following substituted therefor:

 Rev. Stat., c. 34, s. 2, re-enacted.
 - 2. Where land that borders on a navigable body of Grant to be water or stream, or on which the whole or a part of exclude the a navigable body of water or stream is situate or through which a navigable body of water or stream flows, has been heretofore or is hereafter granted by the Crown, it shall be deemed, in the absence of an express grant of it, that the bed of such body of water was not intended to pass and did not pass to the grantee.
- 3. This Act may be cited as The Beds of Navigable Waters Short title. Amendment Act, 1951.



An Act to amend The Boards of Education Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- - (5) In addition to the members elected under subsection Appointed 2 or 3, a member or members may be appointed by a members of county council or councils as provided in subsection 4 of section 18 and in section 19 of *The High Schools* Rev. Stat., Act, and one member may be appointed by a separate c. 165. school board as provided in section 23 of *The High Schools Act*.
- **2.** Section 19 of *The Boards of Education Act* is amended Rev. Stat., by adding thereto the following subsection:
 - (5) Notwithstanding subsection 2, where the high Automatic school district and public school section for which a union board of education has been formed cease to be composed of the same area, the union board of education shall *ipso facto* be dissolved as of the date the district and section cease to be composed of the same area, and the provisions of *The High Schools* Rev. Stat.. Act and The Public Schools Act shall apply with reference to the appointment of high school trustees and the election of public school trustees respectively.
- **3.** The Boards of Education Act is amended by adding $\frac{\text{Rev. Stat.}}{\text{c. 38, amended}}$. thereto the following section:
 - 26a. Every board of education shall have power to appoint Psychiatrist a psychiatrist or a psychologist, to fix his salary and gist. to define his authority.
- **4.** This Act, except section 3, shall come into force on the Commenceday it receives the Royal Assent.
- 5. This Act may be cited as The Boards of Education Short title. Amendment Act, 1951.

CHAPTER



The Boilers and Pressure Vessels Act, 1951

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation.

- (a) "boiler" means any vessel in which any gas or vapour may be generated or any liquid may be put under pressure by heating and includes any pipe, fitting and other equipment attached thereto; R.S.O. 1950, c. 374, s. 1 (d), amended.
- (b) "certificate of approval" means a certificate issued under this Act for a boiler or pressure vessel not inspected during construction;
- (c) "certificate of competency" means a certificate issued under this Act to a person qualified to inspect boilers or pressure vessels and includes a renewal thereof;
- (d) "certificate of inspection" means a certificate issued under this Act in respect of any inspection of a boiler or pressure vessel and includes a certificate issued by an insurer;
- (e) "chief engineer" means an operating engineer who holds a certificate of qualification under *The Opera-* Rev. Stat. ting Engineers Act and is responsible for and supervises the operation of a plant;
- (f) "Chief Inspector" means the Chief Inspector designated under this Act;
- (g) "closed type hot water heating system" means a system in which water is heated and circulated and which is not vented to the atmosphere;

- (h) "compressed gas" means any gas contained under pressure exceeding fifteen pounds whether it is in a gaseous or liquid state;
- (i) "Department" means Department of Labour;
- (j) "design", in reference to a boiler, pressure vessel or plant, means its plan or pattern and includes drawings, specifications and any available model;
- (k) "design pressure" means the pressure that a vessel is designed to withstand;
- (l) "high pressure boiler" means a boiler designed to carry a working pressure of more than fifteen pounds;
- (m) "inspector" means an inspector appointed under this Act and includes the Chief Inspector;

Rev. Stat., c. 183.

- (n) "insurer" means a person licensed under *The Insurance Act* to undertake boiler and machinery insurance as defined by that Act;
- (o) "low pressure boiler" means a boiler intended to carry a working pressure of fifteen pounds or less, or a boiler connected in a closed type hot water heating system; New.
- (p) "Minister" means Minister of Labour; R.S.O. 1950, c. 374, s. 1 (b).
- (q) "open type hot water heating system" means a system in which water is heated and circulated and where there are no intervening valves between the boiler and the expansion tank and which is vented to the atmosphere;
- (r) "owner" means the person, firm, corporation or association for the time being in possession of any boiler, pressure vessel or plant;
- (s) "plant" means the installation of boilers or pressure vessels in operation or use as a unit for any purpose;
- (t) "pressure" means pressure in pounds per square inch measured by a pressure gauge;
- (u) "pressure vessel" means an unfired vessel or apparatus other than a boiler which may be used for containing, storing, distributing, transferring, dis-

tilling, processing or otherwise handling any gas, vapour or liquid under pressure and includes any pipe, fitting and other equipment attached thereto;

- (v) "refrigerant" means a substance used to produce refrigeration by its expansion or vaporization;
- (w) "refrigeration plant" means the installation of pressure vessels by which refrigerants are vaporized, compressed and liquified in their refrigerating cycle; New.
- (x) "regulations" means regulations made under this Act; R.S.O. 1950, c. 374, s. 1 (c).
- (y) "shift engineer" means an operating engineer who holds a certificate of qualification under *The Opera*-Rev. Stat., ting Engineers Act and who is on duty in a plant;
- (z) "used boiler or used pressure vessel" means any boiler or pressure vessel which has been sold or exchanged and has been removed from its original site of installation and operation for re-use;
- (za) "welding operator" means a person engaged in welding either on his own account or in the employ of another person on the fabrication or repair of boilers or pressure vessels or any parts thereof;
- (zb) "working pressure" means the pressure at which a vessel is permitted to be used or operated under this Act. New.

2.—(1) This Act shall not apply to,

Exemptions from Act.

- (a) a boiler situate in and used only to heat a building or structure which normally provides separate dwelling accommodations for not more than four families; R.S.O. 1950, c. 126, s. 57 (7) (a), amended.
- (b) a boiler used in connection with an open type hot water heating system; ∴R.S.O. 1950, c. 126, s. 57 (7) (c).
- (c) a boiler or pressure vessel operated by a railway and subject to inspection by The Board of Transport Commissioners for Canada or a boiler or pressure vessel subject to the Canada Shipping Act, 1934;
- (d) a shipping container subject to inspection by The Board of Transport Commissioners for Canada;

- (e) a low pressure boiler having a heating surface of thirty square feet or less;
- (f) a boiler or pressure vessel used exclusively for agricultural purposes;
- (g) a pressure vessel for permanent use at a pressure of fifteen pounds or less;
- (h) a pressure vessel having an internal diameter of six inches or less;
- (i) a pressure vessel having an internal diameter of twenty-four inches or less used for the storage of hot water for domestic use;
- (j) a pressure vessel used exclusively for hydraulic purposes at atmospheric temperature;
- (k) a pressure vessel having an internal diameter of twenty-four inches or less connected in a water pumping system containing air that is compressed to serve as a cushion;
- (l) a refrigeration plant having a capacity of three tons or less of refrigeration in twenty-four hours.

Exemption of types of boilers, etc., by Lieutent-Governor in Council.

(2) The Lieutenant-Governor in Council may exempt any type of boiler or pressure vessel or any plant from this Act and may from time to time vary or revoke any such exemption. *New*.

Districts.

3.—(1) The Minister may divide Ontario into districts for inspection purposes and assign one or more inspectors to each district. R.S.O. 1950, c. 126, s. 57 (5) (g), amended.

Idem.

(2) The Minister may alter the boundaries of any district or make a new division at any time. *New*.

Inspectors, appointment of.

4.—(1) The Lieutenant-Governor in Council may appoint inspectors to inspect boilers, pressure vessels and plants under this Act, and may designate one of them to be the Chief Inspector. R.S.O. 1950, c. 374, s. 3 (1), amended.

Inspectors not to have interest in sale, etc., of boilers.

(2) No person shall be appointed or act as an inspector who has any direct or indirect interest in the manufacture, sale or installation of boilers, pressure vessels or plants. R.S.O. 1950, c. 374, s. 4, amended.

Certificate of competency.

5.—(1) No person shall be appointed an inspector and no person shall carry out an inspection of any boiler, pressure

vessel or plant who does not hold a certificate of competency.

- (2) Subject to the regulations, every applicant for a certi-Examinaficate of competency shall pass such examinations and tests as the Minister may require. R.S.O. 1950, c. 126, s. 57 (5) (b), amended.
- (3) The Minister may suspend or cancel any certificate of Suspension competency for such reasons as may be prescribed by the lation. regulations. New.
- 6. The inspectors shall perform such duties under the Duties of inspectors. direction of the Chief Inspector as may be assigned to them by this Act and the regulations and by the Minister. New.
- 7. An inspector in the course of his duties may enter any Power to building or premises where he has reason to believe any boiler, ings and pressure vessel or plant is being installed or operated. R.S.O. 1950, c. 374, s. 6, amended.
- 8. An inspector may by notice in writing require the Power to require attendance before him of any person at the time and place attendance named in the notice and examine such person under oath under oath. regarding any matter pertaining to the construction, installation, operation, maintenance and repair of any boiler, pressure vessel or plant, or in respect of any accident arising out of its use or operation. R.S.O. 1950, c. 374, s. 8 (1, 2), amended.
 - 9. On every annual inspection an inspector,

Powers and duties of inspectors on annual

- (a) shall satisfy himself that the boiler, pressure vessel inspection. or plant is being operated and maintained in accordance with this Act and the regulations and that the safety valves are properly set and sealed; and
- (b) shall review the maximum working pressure of the boiler or pressure vessel and make any reduction in it for safe operation or use having regard to its age and condition. New.
- 10. An inspector may require, by notice in writing, the Power to owner, chief engineer, shift engineer or other person responsible owner, etc.. for or in immediate charge of any boiler, pressure vessel or boiler for plant, to prepare it or any part thereof, in accordance with etc. the notice, for internal or external inspection or test or for such other purposes as the inspector deems necessary.
- 11. An inspector may require the owner, chief engineer Power to or other person responsible for or in charge of any boiler, owner, etc., to do things pressure vessel or plant,

necessary for (a) spection.

26

- (a) to prepare any boiler, pressure vessel or plant for inspection in such manner as the inspector may require and to supply water for and to assist in making any test;
- (b) to cut or drill holes in any boiler or pressure vessel or to use any other method to enable the inspector to determine the thickness and condition of the plates;
- (c) to steam up, put under pressure or otherwise put into operation any boiler, pressure vessel or plant so that the inspector may test the safety valves or any part of the installation under operating conditions;
- (d) to extinguish the fire in any boiler or to reduce the pressure upon any boiler or pressure vessel to zero immediately if the inspector has reason to believe that it is in an unsafe condition; and
- (e) to do any other thing the inspector deems necessary to ensure a proper inspection. New.

Instructions by inspector re installation, operation, etc. 12.—(1) An inspector may give instructions orally or in writing to the owner, chief engineer, shift engineer or other person responsible for or in immediate charge of any boiler, pressure vessel or plant on any matter pertaining to safety with regard to the installation, operation, care, maintenance or repair thereof and require that his instructions be carried out within such time as the inspector may specify.

Refusal of owner, etc., to obey instructions of inspector.

(2) If the owner, chief engineer, shift engineer or other person responsible for or in immediate charge of any boiler, pressure vessel or plant fails to comply with any instructions given by an inspector, the inspector shall forthwith report the circumstances to the Chief Inspector who may order that the boiler, pressure vessel or plant be shut down and may cancel the certificate of inspection or the certificate of approval. *New*.

Where boiler, etc., unsafe, may be sealed or certificate may be cancelled.

13.—(1) Where in the opinion of an inspector any boiler, pressure vessel or plant or any part thereof is in an unsafe operating condition or is being operated in a dangerous manner, the inspector on the instructions of the Chief Inspector shall seal the boiler or pressure vessel and take such steps as may be necessary to remove the danger, and the Chief Inspector may cancel the certificate of inspection or the certificate of approval.

- (2) No person shall operate any boiler or pressure vessel Prohibition which has been sealed, or cause or permit it to be operated, of sealed plant, etc. or destroy, remove or tamper with the seal of the inspector until permission in writing has been obtained from the Chief Inspector. New.
- 14.—(1) Where any boiler or pressure vessel is to be boilers and constructed for use in Ontario, the manufacturer shall submit pressure be its design to the Chief Inspector for approval and registration submitted to Chief in the Department before commencing its construction.

struction.

- (2) Where any plant is to be installed in Ontario, its design Design of shall be submitted to the Chief Inspector for approval and submitted to the Chief registration in the Department before commencing its in-Inspector. stallation.
- (3) Where any boiler or pressure vessel has been con-where design structed without its design having been approved and regis-before contered, the Chief Inspector may accept its design for approval struction. and registration if it otherwise meets with the requirements of this Act and the regulations. New.

- 15.—(1) The Chief Inspector may require the inspection, Inspection, during construction.
 - (a) of any boiler or pressure vessel at any stage during its construction; and
 - (b) of the installation of any boiler, pressure vessel or plant.
- (2) Where any boiler or pressure vessel has been inspected Issue of certificate of during construction or installation, the inspector shall report inspection. thereon to the Chief Inspector who, if satisfied that it may be operated or used safely, may issue a certificate of inspection upon payment of the prescribed fee and expenses. R.S.O. 1950, c. 374, s. 9 (1), amended.
- 16. Where the Chief Inspector has not required the in-Certificate spection of a boiler or pressure vessel during construction, of approval. he may issue a certificate of approval therefor upon payment of the prescribed fee, and the certificate, subject to the other provisions of this Act, shall authorize the operation of the boiler or pressure vessel until its annual inspection, unless it is sooner cancelled. New.
- 17. Where any new boiler or pressure vessel has been Where constructed and its design is not available for registration, available. the Chief Inspector may permit it to be installed and operated as a used boiler or pressure vessel and may issue a certificate of inspection therefor. New.

BOILERS AND PRESSURE VESSELS

Boiler, etc., defective after construction.

18. Notwithstanding the approval and registration of its design, if a boiler or pressure vessel is found to be defective after its construction, the Chief Inspector may permit the boiler or pressure vessel to be operated or used within such limits of safety as he may deem proper, and shall require the manufacturer to revise the design and specifications for such boiler or pressure vessel to correct its defects within such period as the Chief Inspector may allow, and failing revision, or if the defects cannot in his opinion be remedied, the Chief Inspector shall cancel the registration of the design and no additional boiler or pressure vessel shall be constructed therefrom. *New*.

Maximum working pressure.

19. The maximum working pressure of any boiler or pressure vessel shall be its design pressure if it has met the requirements of the Chief Inspector as to design, workmanship, construction and installation. *New*.

Boiler not constructed in conformity with approved design.

20. Where any boiler or pressure vessel has not been constructed in conformity with its approved design but nevertheless may be used safely at a lesser pressure than its design pressure, the inspector making the inspection shall fix its maximum working pressure having regard to its condition and the purpose for which it is to be operated or used. New.

Safetyvalves.

21.—(1) Subject to subsection 2, every boiler and pressure vessel shall have at least one safety-valve of adequate capacity set to relieve at or below the maximum working pressure of the boiler or pressure vessel.

Idem.

(2) Where more than one pressure vessel is connected in a plant for use at a uniform maximum working pressure, they shall be protected by one or more safety-valves of adequate capacity set to relieve at or below the uniform maximum working pressure which shall not exceed the maximum working pressure of the weakest pressure vessel in the plant. New.

Prohibition re operation of boiler, etc.

22. No boiler shall be operated or pressure vessel used at a pressure beyond its maximum working pressure. *New*.

Annual inspection.

23.—(1) Subject to subsection 2 of section 28, every boiler operated or pressure vessel used in Ontario shall be inspected by an inspector at least once annually. *New*.

Issue of annual certificate of inspection.

(2) Following the annual inspection of any boiler or pressure vessel, the inspector shall make a report to the Chief Inspector on its condition and operation or use, and if the inspector is satisfied that a boiler or pressure vessel may continue to be operated or used safely, the Chief Inspector or the inspector

shall issue a certificate of inspection upon payment of the prescribed fee and expenses. R.S.O. 1950, c. 374, s. 9 (1), amended.

- **24.** The fee for a certificate of inspection and the expenses Fee and expenses to of the inspector shall be paid to the inspector at the time of be paid to inspection unless the Chief Inspector has notified the inspector that the fee and expenses are being remitted direct to the Chief Inspector. *New*.
- **25.**—(1) A certificate of inspection shall be *prima facie* Certificate of inspection evidence of the due inspection of the boiler or pressure vessel authorizes and the certificate shall, subject to this Act, authorize the operation of the boiler or pressure vessel in accordance with the terms of the certificate.
- (2) Every certificate of inspection shall be in force until Expiration the next annual inspection is made unless it is sooner canof celled or unless a shorter period is specified therein.
- (3) The maximum pressure at which a boiler or pressure Maximum vessel may be operated or used, or the safety-valve set to pressure to pressure to be recorded relieve, shall be set forth in the certificate of inspection.
- (4) Every certificate of inspection shall be made available Certificate by the owner or other person responsible for or in immediate to be made charge of the boiler, pressure vessel or plant upon demand of available. any inspector and where practicable shall be posted in a conspicuous place near the boiler or pressure vessel to which it relates. New.
- **26.** No person shall operate any boiler or use any pressure Prohibition vessel unless a certificate of inspection or a certificate of without cerapproval with regard to such boiler or pressure vessel is in inspection. force. *New*.
- 27.—(1) Notwithstanding that a certificate of inspection Further is in force, the Chief Inspector may order a further inspection at any time. of any boiler or pressure vessel at any time, or an inspector may make a further inspection at any time and the owner shall pay the fee and expenses prescribed therefor.
- (2) Where an additional inspection of a boiler or pressure Inspector vessel is made, the inspector shall amend the certificate of certificate inspection then in force to indicate the fact that such further in force. inspection has been made. *New*.
- 28.—(1) Where a boiler or pressure vessel has been insured, Insured boiler or the annual inspection shall be carried out by or through the pressure insurer and the insurer, if satisfied that the boiler or pressure vessel may be operated or used safely, shall issue a certificate of inspection therefor.

inspector.

(2) The owner of an insured boiler or pressure vessel shall inspection by be exempt from annual inspection by inspectors appointed under this Act and from the payment of fees as prescribed for such inspections while such insurance is in force but the Minister may nevertheless require such boiler or pressure vessel to be inspected by an inspector at any time. R.S.O. 1950, c. 126, s. 57 (1, 6), amended.

Annual inspection report of insured.

(3) Every insurer shall file with the Chief Inspector, within thirty days after the inspection has been made, a copy of the report of the annual inspection of every boiler and pressure vessel insured by him over the signature of the person making the inspection.

Cancellation or rejection

(4) Every insurer shall forthwith notify the Chief Inspector of insurance. in writing of the cancellation of insurance on any boiler or pressure vessel insured by him or of the rejection of insurance on any boiler or pressure vessel together with the reasons therefor. R.S.O. 1950, c. 126, s. 57 (2), amended.

Cancellation of certificate of inspection issued by insurer.

(5) Where an insurer has cancelled insurance on a boiler or pressure vessel because he considers it unsafe for operation or use, he shall cancel its certificate of inspection issued by him and shall take possession of the certificate.

Employment of insurer. inspection.

29.—(1) The Minister may permit the Chief Inspector to etc., to make employ the services of an insurer or of any person qualified to engage in the business of inspection of boilers and pressure vessels in Ontario to make any inspection required under this Act and to report thereon within fourteen days after the completion of the inspection. R.S.O. 1950, c. 374, s. 3 (2), amended.

Inspection of boiler or pressure vessel built in other provinces.

(2) Where a boiler or pressure vessel is to be built outside of Ontario in any province of Canada for use in Ontario, the Chief Inspector may arrange with the person in charge of inspection of boilers and pressure vessels for the province in which it is to be constructed to carry out inspections during construction and may accept the inspection reports submitted to him by such person for the purposes of this Act.

Inspection of boiler or pressure vessel built in U.S.A.

(3) Where a boiler or pressure vessel is to be built in the United States of America for use in Ontario, the Chief Inspector may arrange for the inspection of it during construction by an inspector holding a commission issued by the National Board of Boiler and Pressure Vessel Inspectors, and may accept the inspection reports of such inspector for the purposes of this Act.

(4) Where a boiler or pressure vessel is to be built outside Inspection of boiler or of Canada or the United States of America for use in Ontario, pressure the Chief Inspector may arrange for the inspection of it be built during construction through any agency engaged in boiler or pressure vessel inspection and may accept the inspection reports of the agency for the purposes of this Act. New.

30. Every used boiler and pressure vessel shall be inspected Used boilers and and tested by an inspector before it is put into operation or pressure use, and if the Chief Inspector is satisfied that it may be operated or used safely, he may issue a certificate of inspection upon payment of the prescribed fee and expenses. New.

- **31.**—(1) No boiler or pressure vessel previously used out-Installation of boiler or side of Ontario shall be installed unless the consent of the pressure Chief Inspector has been obtained for such installation, and jously used such boiler or pressure vessel shall not be operated or used outside of until a contiferate of installation. until a certificate of inspection has been issued therefor.
- (2) The person applying for consent under subsection 1 Details to be given shall provide the Chief Inspector with details in writing as to to Chief the design, type, specifications, make, date and place of manufacture and the name of the manufacturer of the boiler or pressure vessel and such other information as the Chief Inspector may require. New.
- 32. Where any boiler or pressure vessel is found to be in Repairs to boiler or an unsafe condition, no person shall make any major repairs pressure thereto until he has notified an inspector of the nature and unsafe. extent of such repairs and the inspector has approved thereof, and the boiler or pressure vessel shall not be put into operation or use until it has been inspected by an inspector and he is satisfied that it may be operated or used safely. New.
- 33. When a boiler or pressure vessel is being inspected, Defects in boiler, etc., the owner, chief engineer, shift engineer or other person to be responsible for or in immediate charge thereof shall point to inspector. out to the inspector any defect of which he has knowledge or which he believes to exist in the boiler or pressure vessel and if at any time he learns of any defect which might render the boiler or pressure vessel unsafe to operate or use, he shall forthwith notify the Chief Inspector. New.
- **34.**—(1) Where an inspector has inspected any boiler or Condemned policy or pressure vessel and has satisfied himself that it can no longer pressure pressure to the chall positive the Chief Inspector vessel. be operated or used safely, he shall notify the Chief Inspector that he has condemned it and shall seal it with a seal or label indicating that it is condemned and shall take possession of its certificate of inspection. New.

Prohibition re operation of condemned boiler.

(2) No person shall operate a boiler or use a pressure vessel which has been condemned unless he has had it repaired as required by the Chief Inspector and a further inspection has been made and a certificate of inspection has been issued therefor. R.S.O. 1950, c. 126, s. 57 (3), amended.

Prohibition re sale or removal for re-use.

(3) No boiler or pressure vessel which has been condemned shall be sold or moved to another location for re-use without the consent of the Chief Inspector. *New*.

Welding operator to register.

35. Every welding operator shall register with the Chief Inspector. *New*.

Approval of procedure in welding.

36. The methods to be employed and the procedures to be followed in the welding of boilers and pressure vessels shall be approved by the Chief Inspector. *New*.

Test of welding operator.

37.—(1) The Chief Inspector may direct any inspector to test the competency of any welding operator at any time and to determine the terms and conditions upon which he may be permitted to do welding operations on boilers and pressure vessels.

Result of test to be in writing.

(2) Following a test given to any welding operator, the inspector shall supply him in writing with details of the test and of his efficiency in it and shall indicate the type of welding which may be done by such operator.

Where welding found to be faulty.

(3) Where the welding of a welding operator is found to be faulty, the inspector shall forthwith notify the operator and his employer and thereupon the employer shall not permit the operator nor shall the operator continue to weld on any boiler or pressure vessel until the operator has passed a further test.

Change of employ by operator.

(4) When any welding operator changes his employ, he shall not commence to weld for a new employer until he has had a further test and an inspector has reported thereon. *New*.

Notification of accidents.

38.—(1) Where an explosion or rupture of a boiler or pressure vessel occurs, or where an accident arises out of its operation or use that causes injury or death to any person, the owner or person in charge shall forthwith notify the Chief Inspector by telephone or telegraph giving him full details of the accident.

Investigation of accident. (2) The Chief Inspector or any inspector under his instruction shall investigate any explosion, rupture or accident so reported to determine the cause thereof. *New*.

After explosion or rupture, parts not to be removed,

39. After an explosion or rupture of a boiler or pressure vessel has occurred, no part or parts of it shall be moved nor

shall the position of any of them be altered by anyone except to remove any person who has been injured or killed until the permission of an inspector has been obtained. New.

- **40.**—(1) Any person who is dissatisfied with any inspection Appeal from or action taken by an inspector may within thirty days inspector. thereof appeal to the Minister, who may thereupon cause another inspection to be made by one or more inspectors who shall report to him, and the decision of the Minister shall be final. R.S.O. 1950, c. 374, s. 11 (1), amended.
- (2) Any expenses occasioned by the appeal and second Expenses of inspection shall be paid as determined by the Minister. R.S.O. 1950, c. 374, s. 11 (2).
- **41.** Subject to this Act and the regulations, the publica-Publications to be refertions of the Canadian Standards Association, of the American red to by Standards Association and of the American Society of Mechanical Engineers, as amended from time to time, shall be deemed to contain the rules that shall be referred to by the Chief Inspector and the inspectors in carrying out their duties under this Act in reference to the approval of designs, the manufacture, installation, inspection, testing and operation of boilers, pressure vessels and plants. New.
- **42.** Where a certificate of inspection has been cancelled Operation with respect to any boiler or pressure vessel, no person shall after can-operate or use or permit to be operated or used such beits cellation of operate or use or permit to be operated or used such boiler certificate. or pressure vessel until a further inspection has been made and a new certificate of inspection has been issued and the prescribed fee and expenses have been paid. New.
- 43. Every person who fails to comply with any of the Penalties. provisions of this Act or the regulations, or any instruction or order given to him by an inspector, or hinders or obstructs any inspector in the performance of his duties under this Act, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$25 and not more than \$500 for each offence. R.S.O. 1950, c. 374, s. 10, amended.
- 44.—(1) The Lieutenant-Governor in Council may make Regulations. regulations,
 - (a) prescribing the qualifications of persons who may be appointed inspectors or who may make inspections under this Act; R.S.O. 1950, c. 126, s. 57 (5) (a), amended.
 - (b) providing for the issue of certificates of competency to inspectors and determining the period for which

such certificates shall continue in force and the terms upon which they may be renewed; R.S.O. 1950, c. 126, s. 57 (5) (b, c), amended.

- (c) providing for the issue of certificates of competency to persons other than inspectors and determining the period for which such certificates shall continue in force and the terms upon which they may be renewed: New.
- (d) prescribing the examination fees to be paid by an applicant for a certificate of competency;
- (e) prescribing the fee to be paid on the issue and renewal of a certificate of competency; R.S.O. 1950, c. 126, s. 57 (5) (d), amended.
- (f) prescribing the terms upon which a certificate of competency may be issued with or without examination to a person who is qualified to inspect boilers and pressure vessels in any other province of Canada or in any of the states of the United States of America and the fee to be paid therefor; New.
- (g) prescribing the reasons for which a certificate of competency may be suspended or cancelled; R.S.O. 1950, c. 126, s. 57 (5) (e), amended.
- (h) prescribing the manner in which the design of a boiler, pressure vessel or plant shall be registered and numbered and the manner in which any boiler or pressure vessel manufactured therefrom shall be marked or identified:
- (i) prescribing the drawings and specifications which shall accompany an application for registration and approval of the design of a boiler, pressure vessel or plant and the information to be included therein; R.S.O. 1950, c. 374, s. 2 (a, b), amended.
- (j) prescribing the fees to be paid on the approval and registration of the design of any boiler, pressure vessel or plant; R.S.O. 1950, c. 374, s. 2 (d), amended.
- (k) prescribing the terms and conditions upon which a registered and approved design may be revised;
- (l) prescribing the fee to be paid in respect of the revision of any registered and approved design;

- (m) prescribing the fees to be paid on the inspection of a boiler or pressure vessel;
- (n) prescribing the manner by which the capacity of a boiler, pressure vessel or plant may be determined;
- (o) providing for the payment by the manufacturer or owner of a boiler or pressure vessel of any or all of the expenses incurred by an inspector in making an inspection of a boiler or pressure vessel;
- (p) requiring the manufacturer or his agent or officer in charge of construction to make a report in respect of the construction of a boiler or pressure vessel and prescribing the information that shall be contained in the report and the manner in which it shall be verified;
- (q) prescribing the fee to be paid on the issue of a certificate of approval;
- (r) prescribing the plans, drawings or information to be given in respect of the repair of a boiler or pressure vessel:
- (s) prescribing the qualifications of welding operators;
- (t) prescribing the fee to be paid on the test of a welding operator;
- (u) classifying boilers, pressure vessels and plants, and prescribing the purposes for which they may be used;
- (v) classifying refrigerants and governing the conditions under which they may be used and prescribing the types of buildings in which they may be used;
- (w) prescribing forms, seals or markings for use under this Act; New.
- (x) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 374, s. 2 (e), amended.
- (2) Any word or expression used in any regulation made Expressions under this Act may be defined in the regulation for the pur-regulations. poses of the regulations. New.
- **45.** All fees and expenses collected under this Act and all Application penalties recovered for offences against this Act or the regula-penalties.

tions shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. R.S.O. 1950, c. 374, s. 12, amended.

Rev. Stat., c. 374; c. 126, s. 57, Shop and Office Building Act are repealed. 46. The Steam Boilers Act and section 57 of The Factory

Commence-

47. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

48. This Act may be cited as The Boilers and Pressure Vessels Act. 1951.

An Act to amend The Change of Name Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 3 of section 2 of *The Change of Name Act* Rev. Stat., is amended by striking out the words "by birth or by naturaliz-subs. 3, amended." in the first line, so that the subsection shall read as follows:
 - (3) Any British subject of the full age of 21 years who Application effected a change of name in Ontario under any changed right which existed at law prior to the 26th day of June 26, June, 1939, may make an application under this Act to change his name from the name he bore prior to the change to the name he bears as a result of the change, as though the change had not been effected.
- 2. Subsection 1 of section 3 of *The Change of Name Act* c. 47, s. 3, is amended by striking out the words "by birth or naturaliza-subs. 1, amended. tion" in the first and second lines, so that the subsection shall read as follows:
 - (1) Every applicant shall be a British subject of the Applicant full age of 21 years.

 British subject 21 years of age.
- **3.**—(1) Clause e of subsection 1 of section 12 of *The Change* Rev. Stat., of *Name Act* is amended by striking out the word "naturaliza-subs. 1, cl. e, tion" in the first line, so that the clause shall read as follows:
 - (e) that he is a British subject by birth or as the case may be.

1949 (2nd Sess.), c. 7 (Can.). (b) a certificate of the Registrar in Bankruptcy as to the appearance in the index book kept pursuant to section 167 of the *Bankruptcy Act*, 1949 (Canada) of the name of each person of the full age of 21 years whose name may be changed as a result of the application.

Rev. Stat., c. 47, s. 14, cl. e, re-enacted.

- **4.** Clause e of section 14 of *The Change of Name Act* is repealed and the following substituted therefor:
 - (e) if the applicant is not a British subject by birth, a notarial copy of the certificate establishing that he is a British subject.

Short title.

5. This Act may be cited as The Change of Name Amendment Act, 1951.

An Act to amend The Charitable Institutions Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Charitable Institutions Act is amended by adding Rev. Stat., thereto the following section:
 - 7a.—(1) The Minister may approve the site and plans Provincial of a new building of any charitable institution and subsidy on when they are so approved the Lieutenant-Governor buildings. in Council may direct payment out of the Consolidated Revenue Fund to the charitable institution of an amount calculated upon the total bed capacity of the new building at the rate of \$1,000 per bed.
 - (2) Payments under subsection 1 may be made either when when the new building is completed and ready for payable. occupancy or from time to time during the construction thereof as the Lieutenant-Governor in Council may by regulation provide.
- 2. This Act may be cited as The Charitable Institutions Short title. Amendment Act, 1951.



An Act to amend The Charities Accounting Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Section 1 of *The Charities Accounting Act* is amended Rev. Stat., by adding thereto the following subsection:

 Rev. Stat., c. 50, s. 1, amended.
 - (1a) Any corporation incorporated for any religious, Charitable educational, charitable or public purpose shall be etc., brought deemed to be a trustee within the meaning of this Act, its instrument of incorporation shall be deemed to be an instrument in writing within the meaning of this Act, and any real or personal property acquired by it shall be deemed to be property within the meaning of this Act.
- 2. The Charities Accounting Act is amended by adding Rev. Stat., thereto the following section:

 amended.
 - 6a.—(1) Any person may complain as to the manner Collection of funds in which any person or organization has solicited or from the procured funds by way of contribution or gift from public, right of the public for any purpose, or as to the manner in complaint. which any such funds have been dealt with or disposed of.
 - (2) Every such complaint shall be in writing and de-Form of livered by the complainant to any judge of any complaint. county or district court.
 - (3) Wherever the judge is of opinion that the public order for interest can be served by an investigation of the investigation matter complained of, he may make an order directing the Public Trustee to make such investigation as the Public Trustee may deem proper in the circumstances.

Powers of Public Trustee.

(4) In making any such investigation, the Public Trustee shall have and may exercise any of the powers conferred upon him by this Act or that may be Rev. Stat., conferred upon a commissioner under The Public c. 308. Inquiries Act.

Cost of investigation.

(5) The cost of any such investigation, when approved by the Attorney-General, shall form part of the expenses of the administration of justice in Ontario.

Report of investigation.

(6) As soon as the Public Trustee has completed his investigation, he shall report in writing thereon to the Attorney-General and to the county court judge who ordered the investigation.

Order for audit.

Rev. Stat., c. 400.

(7) Upon receipt of the report, the county court judge may order a passing of the accounts in question in which case section 23 of The Trustee Act shall apply, and the judge may make such order as to the costs of the Public Trustee thereon as he may deem proper.

Where section not to apply.

(8) Nothing in this section shall apply to any religious or fraternal organization or to any person who solicited or procured any funds for any religious or fraternal organization.

Commencement.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as The Charities Accounting Amendment Act. 1951.

An Act to amend The Children's Protection Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 5 of section 7 of *The Children's Protection* Rev. Stat., c. 53, s. 7, Act is repealed and the following substituted therefor: subs. 5, re-enacted.
 - (5) The evidence of every witness shall be given under Evidence. oath and shall be taken down and transcribed,
 - (a) where the proceedings are in a juvenile or family court that has a stenographer who is a member of the staff of such court, by a stenographer; and
 - (b) where the proceedings are not in a juvenile or family court or where the juvenile or family court does not have a stenographer who is a member of the staff of such court, by a stenographer appointed by the judge.
 - (5a) Stenographers appointed under clause b of sub-Fees for section 5 shall be allowed the fees for taking down and transcriptions. transcribing evidence prescribed under The Magis-c. 219. trates Act, and such fees shall be paid by the municipality to which the child concerned in the proceedings belongs except in a territorial district where they may be paid out of such moneys as may be appropriated therefor by the Legislature.
- 2. Section 10 of *The Children's Protection Act* is amended Rev. Stat. by adding thereto the following subsections:
 - (1a) Where a child who has been committed to the Payment of temporary custody and care or the custody or control charges. of a children's aid society has received treatment in a public hospital, the municipality to which the child belongs shall reimburse the children's aid society for the charges of the hospital.

Provincial

(1b) Where a children's aid society has been reimbursed by a municipality under subsection 1a, there may be paid to such municipality, out of such moneys as may be appropriated by the Legislature under subsection 12, 25 per cent of the amount reimbursed in the same manner as provided in subsection 11.

Short title.

3. This Act may be cited as The Children's Protection Amendment Act, 1951.

An Act to amend The Community Centres Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Clause a of section 1 of *The Community Centres Act* Rev. Stat., is amended by inserting after the word "field" in the second c. 58, s. 1, line the words "indoor or outdoor swimming pool", so that amended. the clause shall read as follows:
 - (a) "community centre" means community hall, athletic field, indoor or outdoor swimming pool, skating arena or outdoor skating rink.
- 2.—(1) Subsection 1 of section 2 of *The Community Centres* Rev. Stat., *Act* is amended by inserting after the word "hall" in the fifth c. 58, s. 2, line the words "indoor swimming pool" and by inserting amended. after the word "field" in the fifth line the words "outdoor swimming pool", so that the subsection shall read as follows:
 - (1) The Minister may grant aid to any municipality to assist in the establishment of a community centre, municipalibut no grant shall exceed \$5,000 nor 25 per cent of community the cost of a building or that part of a building centres, etc. designed for a community hall, indoor swimming pool or skating arena or of the cost of an athletic field, outdoor swimming pool or outdoor skating rink.
- (2) Subsection 3 of the said section 2 is amended by insert-Rev. Stat., ing after the word "and" in the second line the words "an subs. 3, indoor swimming pool or" and by inserting after the word amended. "and" in the fifth line the words "indoor swimming pool or", so that the subsection shall read as follows:
 - (3) Notwithstanding subsection 1, where a building is Combined designed to include both a community hall and an hall, swiming pool indoor swimming pool or a skating arena, the Minister and skating

may make a grant not exceeding \$10,000 nor 25 per cent of the total cost of the building or that part of the building designed for the community hall and indoor swimming pool or skating arena.

Rev. Stat., c. 58, s. 8, amended.

3. Section 8 of *The Community Centres Act* is amended by inserting after the word "area" in the third line the words "an outdoor swimming pool", by inserting after the word "fields" in the fifth line the word "pools" and by striking out the words "the rinks and athletic fields" in the ninth line and inserting in lieu thereof the words "such fields, pools and rinks", so that the section shall read as follows:

Grants to school boards.

8. The Minister may make grants to a public, separate, continuation or high school board, or board of education, to provide for an athletic field of satisfactory area, an outdoor swimming pool or an outdoor skating rink, on the same terms as herein set forth, except that such fields, pools and rinks shall be managed and conducted by the school board or board of education under the regulations of the Department of Education, and such property shall be vested in the school board or board of education, provided always that such fields, pools and rinks shall be available for the purposes permitted by the regulations.

Commencement.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as The Community Centres Amendment Act, 1951.

An Act to amend The Companies Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 307 to 314 of *The Companies Act* are repealed Rev. Stat., c. 59, ss. 307 and the following substituted therefor:

to 314, re-enacted.

Liquidation and Winding Up

307. In sections 308 to 317,

Interpre-

- 1. "court" means Supreme Court of Ontario;
- 2. "deposit" means the deposit required under section
 41 of The Insurance Act;

 Rev. S

Rev. Stat., c. 183.

- "insured person" means a person who enters into a subsisting contract of insurance with an insurer and includes,
 - (a) every person insured by a contract whether named or not;
 - (b) every person to whom or for whose benefit all or part of the proceeds of a contract of insurance are payable; and
 - (c) every person entitled to have insurance money applied toward satisfaction of his judgment in accordance with section 214 of *The Insurance Act*;
- 4. "loss" includes the happening of an event or contingency by reason of which a person becomes entitled to a payment under a contract of insurance of money other than a refund of unearned premiums;
- "Minister" means that member of the Executive Council charged for the time being by the Lieutenant-Governor in Council with the administration of The Insurance Act;

- "Ontario contract" means a subsisting contract of insurance that,
 - (a) has for its subject,
 - (i) property that at the time of the making of the contract is in Ontario or is in transit to or from Ontario, or
 - (ii) the life, safety, fidelity or insurable interest of a person who at the time of the making of the contract is resident in Ontario or of an incorporated company that has its head office in Ontario; or
 - (b) makes provision for payment thereunder primarily to a resident of Ontario or to an incorporated company that has its head office in Ontario;

Rev. Stat., c. 183.

- 7. "reciprocal deposit" means a deposit of an insurer held pursuant to section 68 or 69 of *The Insurance Act*;
- 8. "reciprocating province" means a province that has been declared to be a reciprocating province pursuant to clause a of subsection 1 of section 68 or subsection 1 of section 69 of The Insurance Act, with respect to the deposit of a particular insurer.

Application of Part XIV relating to the winding up of companies shall apply to insurers incorporated under or subject to this Act except where inconsistent with this Part.

Interpretation.

(2) Where the company, corporation or society is not constituted exclusively or chiefly for insurance purposes and the insurance branch and fund are completely severable from every other branch and fund of the company, corporation or society, the word "insurer" for the purposes of sections 309 to 322 means only the insurance branch of the company, corporation or society.

Winding up by order of court on application of Superintendent

- 309.—(1) An insurer incorporated in Ontario may also be wound up by order of the court on the application of the Superintendent if the court is satisfied that,
 - (a) the insurer has failed to exercise its corporate powers during any continuous period of four years; or
 - (b) the insurer has not commenced business or gone into actual operation within four years after it was incorporated; or

- (c) the insurer has discontinued business for one year after it has undertaken insurance contracts within Rev. Stat., the meaning of The Insurance Act; or
- (d) the insurer's licence has been suspended for one year or more; or
- (e) the insurer has carried on business or entered into a contract or used its funds in a manner or for a purpose prohibited or not authorized by The Insurance Act or by its Act of incorporation or by any special Act applicable thereto; or
- (f) other sufficient cause has been shown.
- (2) No such application shall be made by the Superin-Approval tendent without the approval of the Lieutenant-Governor tenant-Governor Governor in Council. in Council.
- (3) Upon the making of an order under this section, the Application of Part XIV. provisions of Part XIV relating to winding up of a company, in so far as they are not inconsistent with this Part, shall apply.
 - 310.—(1) In the case of an insurer incorporated in Ontario, Provisional Induidator,
 - (a) if its licence expires and,
 - (i) the insurer fails to renew within the period limited by The Insurance Act, or
 - (ii) a renewal is refused; or
 - (b) if its licence is cancelled,

the Minister may appoint a provisional liquidator who shall take charge of the affairs of the company and may direct that it be wound up forthwith under this Act.

(2) Until a permanent liquidator is appointed, the provi-Powers of provisional sional liquidator shall exercise all the powers of the insurer liquidator. and none of the officers or servants of the insurer shall make any contract for, incur any liability on behalf of, or expend any moneys of, the insurer without the approval of the provisional liquidator.

(3) The provisional liquidator shall petition the court for a Petition by winding up order, and if the court is of the opinion that it is liquidator for winding just and equitable so to do, it may make an order winding up up order. the company and thereupon the provisions of this Act relating to the winding up of a company, in so far as they are not inconsistent with this Part, shall apply.

Sale of business.

(4) The provisional liquidator or the liquidator, notwithstanding this Act, but subject to the approval of the court, may sell the business and undertaking of the company as a going concern.

Remuneration of provisional liquidator. 311.—(1) The remuneration to be paid to a provisional liquidator appointed under subsection 1 of section 310 shall be fixed by the Minister.

Payment of costs of provisional liquidator.

(2) The remuneration and all expenses and outlay in connection with the appointment of the provisional liquidator, together with all expenses and outlay of the provisional liquidator while he acts in that capacity, shall be borne and paid by the insurer and shall form a first lien or charge upon the assets of the insurer other than the deposit unless otherwise directed pursuant to subsection 3.

Payment of cost of provisional liquidator out of deposit.

(3) The Minister in his discretion may direct that the remuneration, expenses and outlay shall be paid out of the proceeds of the deposit made by the insurer, and in that case the amount directed to be paid shall have the same priority as the expenses of the receiver administering the deposit as fixed by clause a of section 58 of The Insurance Act.

Rev. Stat., c. 183.

Notice of intention to cease writing insurance or to consider voluntary liquidation.

312.—(1) When an insurer incorporated under or subject to the laws of Ontario proposes to cease writing insurance or to call a general meeting to consider a resolution for the voluntary liquidation of the insurer under this Act, it shall give at least one month's notice in writing thereof to the Superintendent of Insurance of each province in which the insurer is licensed.

Notice to Superintendent of voluntary winding up.

(2) When an insurer has passed a resolution for voluntary winding up, the insurer shall notify the Superintendent thereof and of the date on which contracts of insurance will cease to be entered into by the insurer and of the name and address of its liquidator.

Publication of notice.

(3) The notice under subsection 2 shall also be published by the insurer in two consecutive issues of *The Ontario Gazette* and the official *Gazette* of each other province in which the insurer is licensed and in such newspapers and other publications as the Superintendent may require.

Reinsurance.

313.—(1) The provisional liquidator or the liquidator, before any order granting administration of the deposit and before the fixing of a termination date pursuant to section 315, may arrange for the reinsurance of the subsisting contracts of insurance of the insurer with some other insurer licensed in Ontario.

- (2) For the purpose of securing the reinsurance, the following Funds available for reinsurance.
 - (a) the entire assets of the insurer in Ontario other than the deposit except the amount reasonably estimated by the provisional liquidator or the liquidator as being required to pay,
 - (i) the costs of the liquidation or winding up,
 - (ii) all claims for losses covered by the insurer's contracts of insurance of which notice has been received by the insurer or provisional liquidator or liquidator before the date on which the reinsurance is effected.
 - (iii) the claims of the preferred creditors who are the persons paid in priority to other creditors under the winding up provisions of this Act,

all of which shall be a first charge on the assets of the insurer other than the deposit;

- (b) all or such portion, if any, of the deposit as may be agreed upon pursuant to subsection 3.
- (3) If it appears necessary or desirable to secure reinsurance Agreement for the protection of insured persons entitled to share in the deposit for proceeds of the deposit, the Minister, on the recommendation of the Superintendent, or in the case of a reciprocal deposit the Superintendents of Insurance of each of the reciprocating provinces, may enter into an agreement with the provisional liquidator or the liquidator, whereby, pursuant to section 47 or 69a of *The Insurance Act*, all or any part of the securities in Rev. Stat., the deposit may be used for the purpose of securing the c. 183.
- (4) The creditors of the insurer, other than the insured Payments to creditors persons and the said preferred creditors, shall be entitled to other than receive a payment on their claims only if provision has been creditors. made for the payments mentioned in subsection 2 and for the reinsurance.
- (5) If, after providing for the payments mentioned in Reinsurance of part of subsection 2, the balance of the assets of the insurer, together contracts. with all or such portion, if any, of the deposit as may be agreed upon pursuant to subsection 3, is insufficient to secure the reinsurance of the contracts of the insured persons in full, the reinsurance may be effected for such portion of the full amount of the contracts as may be possible.

Approval

(6) No contract of reinsurance shall be entered into pursuant to this section until it is approved by the court.

Transfer of deposit from receiver to

Rev. Stat .. c. 183.

314.—(1) In the winding up of an insurer that has made a deposit pursuant to The Insurance Act, if the person appointed deposit pursuant to I no Insurance 1201, 2 and 150 pursuant to section 52 of liquidator or as receiver to administer the deposit pursuant to section 52 of The Insurance Act is not the person appointed as the provisional liquidator or the liquidator under The Insurance Act or this R.S.C. 1927, Act or appointed as the liquidator under the Winding-up Act (Canada), as the case may be, the court at any time in its discretion may order that the deposit and the administration thereof be transferred from the receiver to the provisional liquidator or the liquidator.

Administradeposit.

(2) Upon the making of an order pursuant to subsection 1, the provisional liquidator or the liquidator shall administer the deposit for the benefit of the persons entitled to share in the proceeds thereof in accordance with the provisions of and the priorities set out in this Act.

Costs of administration of deposit.

(3) The amount payable to the provisional liquidator or the liquidator for administering the deposit and all costs and expenses incurred by him in administering the deposit shall be paid out of the deposit in accordance with the priorities fixed by clause a of section 58 of The Insurance Act, but the amount payable to the provisional liquidator or the liquidator and all costs and expenses incurred by him in the winding up of the insurer shall not be paid out of the deposit but shall be paid out of and shall be a first charge on the assets of the insurer except as provided in subsection 3 of section 311.

Termination date where

315.—(1) If the provisional liquidator or the liquidator reinsurance not arranged fails to secure reinsurance, or if in his opinion it is impracticable or inexpedient to arrange for reinsurance, he.

- (a) with the approval of the court and subject to such terms as may be prescribed by the court; and
- (b) for the purpose of securing the payment of existing claims and avoiding further losses,

may publish a notice fixing a termination date for the subsisting contracts of insurance of such insurer, and on and after that date coverage and protection under the Ontario contracts shall cease and the insurer shall not be liable under any such contract for a loss that occurs after that date.

Termination of Ontario contracts where termination date fixed in another province.

(2) Where a provisional liquidator or a liquidator has been appointed in another province to wind up an insurer incorporated in that province, and if such provisional liquidator or liquidator fixes a termination date for the contracts of insurance of the insurer, on and after that date coverage and protection under the Ontario contracts shall cease and determine and the insurer shall not be liable under any such contract for a loss that occurs after that date.

- (3) Where a receiver administering a deposit has fixed a Where termination date pursuant to section 53 of *The Insurance Act*, date fixed the termination date fixed pursuant to this section shall apply only to those contracts of insurance not already terminated on Rev. Stat., the date fixed by the receiver.
- 316. The provisional liquidator or the liquidator shall Publication of notice of cause the notice,
 - (a) to be published in *The Ontario Gazette* and in the official *Gazette* of each other province in which the insurer is licensed, and in such newspapers as the court may direct in order to give reasonable notice of the termination date so fixed; and
 - (b) to be mailed to each policyholder at his address as shown on the books and records of the company.

317.—(1) The liquidator shall pay or set aside from the Payment of claims for losses and preferred claims. etc.

- (a) the costs of the liquidation or winding up;
- (b) all claims for losses covered by the insurer's contracts of insurance that occurred before the termination date fixed pursuant to section 53 of *The Insurance Act* or section 315 of this Act and that have not been paid or provided for in the administration of the deposit and of which notice has been received by the insurer or the liquidator;
- (c) the full amount of the legal reserve in respect of each unmatured life insurance contract;
- (d) the claims of preferred creditors who are the persons paid in priority to other creditors under the winding up provisions of this Act.
- (2) Except in the case of life insurance, the assets remaining Refund of after payment or making provision for payment of the amounts premiums. mentioned in subsection 1 shall be used to pay the claims of the insured persons for refunds of unearned premiums on a pro rata basis in proportion to the periods of their contracts respectively unexpired on the termination dates to the extent that those claims have not been paid or provided for in the administration of the deposit.

Calculation of unearned premium claims. (3) The claims of the insured persons for refunds of unearned premiums shall be calculated,

Rev. Stat., c. 183.

- (a) as at the termination date fixed pursuant to section 53 of *The Insurance Act* or section 315 of this Act; or
 - (b) as at the date the insured person cancelled the contract,

whichever date is the earlier.

Effect of

(4) The refund of all or any portion of the premium shall not destroy or defeat any other remedy the insured person may have against the insurer in respect thereof or for any other cause.

Effect of section.

(5) Nothing in this section shall prejudice or affect the priority of any mortgage, lien or charge upon the property of the insurer.

Payment of provincial fees and taxes, etc.

318. The fees, taxes and costs payable by the insurer to each province shall be paid out of the assets of the insurer remaining after the reinsurance of the subsisting contracts of insurance of the insurer or after the payment of the claims of policyholders for refund of unearned premiums, as the case may be, and the balance shall be distributed among the creditors of the insurer other than the insured persons, preferred creditors and the several provinces.

Filing of statements by liquidator.

- 319.—(1) Unless otherwise ordered by the court, within seven days after the close of each period of three months and until the affairs of the insurer are wound up and the accounts are finally closed the liquidator shall file with the court or other authority appointing him and also with the Superintendent, detailed schedules, in such form as may be required, showing,
 - (a) receipts and expenditures; and
 - (b) assets and liabilities.

Production of books, etc., by liquidator.

(2) The liquidator, whenever he is required to do so by the authority appointing him or by the Minister, shall exhibit the office books and vouchers and furnish such other information respecting the affairs of the insurer as may be required.

Penalty.

(3) Every liquidator refusing or neglecting to furnish such information shall be guilty of an offence and on summary conviction shall be liable for each offence to a penalty of not less than \$50 and not more than \$200 and in addition shall be liable to be dismissed or removed.

- 320.—(1) Where a fraternal society transacts endowment Distribution or expectancy insurance and has an endowment fund separate ment and expectancy and distinct from its life insurance fund, the society may, funds, by resolution duly passed at a general meeting, ordinary or special, after at least one month's notice of such intended resolution, determine that the endowment or expectancy shall be discontinued, and that the endowment or expectancy fund shall be distributed pro rata among the members then in good standing who are contributing to such fund according to the total contribution of such member.
- (2) After the resolution has been assented to by the Superin-Procedure. tendent and filed with the Provincial Secretary, the executive officers may proceed to ascertain the persons intended to rank upon the fund and may distribute the fund among those so entitled and such distribution shall discharge the society and all executive officers thereof from all further or other liability in respect of such fund and of the endowment or expectancy contracts undertaken by the society.
- (3) If all the members interested in the endowment or Merger of expectancy fund are also interested as holders of life insurance funds contracts, the general meeting, instead of determining that the endowment or expectancy fund shall be distributed, may determine that such fund shall be converted into or merged in a life insurance fund and after the resolution has been assented to and filed as provided in subsection 2 the endowment or expectancy fund shall become and be a life insurance fund.
- 321. Notwithstanding anything in this Act or in The Extension of licence, Insurance Act, where an insurer is being wound up voluntarily Rev. Stat., the Superintendent may renew or extend the licence of the c. 18 insurer for the purpose of its winding up.
- 322. The books, accounts and documents of an insurer and Books, etc., the entries in the books of its officers or liquidators shall be prima facie evidence of the matters to which they relate as between an alleged debtor or contributory and the insurer.
- 2. This Act shall come into force on a day to be named by Commencethe Lieutenant-Governor by his Proclamation.
- 3. This Act may be cited as The Companies Amendment Short title. Act, 1951.



An Act to amend The Continuation Schools Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

IIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 3 of section 4 of The Continuation Schools Rev. Stat., Act is repealed and the following substituted therefor:
 - (3) Where a continuation school district is absorbed as where conpart of a high school district the continuation school school shall be dissolved as of the date of the absorption, district absorbed as and the high school board and the board or boards part of high by which the continuation school was maintained district. shall each appoint a representative who, with the clerk of each municipality which, or any part of which, was included in the continuation school district, shall be arbitrators to value and determine the rights and obligations of the boards and municipalities with respect to.

- (a) the assets and liabilities of the continuation school board; and
- (b) the disposition of the property of the board.
- (4) The secretary of the high school board of the district Arbitration in which the former continuation school is located shall, within thirty days of such absorption, call a meeting of the arbitrators designated under subsection 3, who shall forthwith proceed to determine the rights and obligations of the respective boards and municipalities and report their findings to the secretary of the high school board and to the Minister.
- (5) If the high school board, or any board by which the Appeal. continuation school was maintained, or any municipality, disputes the award of the arbitrators, the board or municipality shall refer the matter to the

county or district judge having jurisdiction, whose decision shall be final.

Board to continue to function.

- (6) For the purpose of this section, the board of trustees of the continuation school shall continue to function until,
 - (a) the assets and liabilities of the board have been distributed as provided in subsection 1 or 2; or
 - (b) the award of the arbitrators, or the decision of the judge on appeal therefrom, has been made under subsection 3 and the assets, liabilities and property of the board disposed of in accordance with the award or decision.

Audit.

(7) Where a board continues to function under subsection 6, the accounts of the board shall be subject to audit in the same manner as before the dissolution.

Rev. Stat., c. 66, s. 6, subs. 3, re-enacted.

2. Subsection 3 of section 6 of *The Continuation Schools Act* is repealed and the following substituted therefor:

Interpretation.

- (3) For the purpose of subsection 2, "course of study" means,
 - (a) a course of study leading to a type of secondary school graduation diploma not available in the pupil's own district; or
 - (b) a grade XIII subject or subjects not available in the pupil's own district and required by the pupil for admission to any university or teacher-training course or for the practice of any trade, profession or calling.

Commencement. **3.** This Act shall be deemed to have come into force on the 1st day of January, 1951.

Short title.

4. This Act may be cited as The Continuation Schools Amendment Act, 1951.

Chap. 15

CHAPTER 15

An Act to amend The Coroners Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Section 23 of *The Coroners Act* is repealed and the Rev. Stat., following substituted therefor:
 - 23. A coroner may at any time during an investigation or Post mortem inquest issue his warrant to a legally qualified medical and analyses. practitioner to conduct a post mortem examination of the body, an analysis of the blood, urine, or the contents of the stomach and intestines, or such other examination or analysis as the circumstances may warrant, but if he determines that an inquest is unnecessary he shall not thereafter issue his warrant for a post mortem examination or analysis without the consent in writing of the Attorney-General, the Crown attorney or the supervising coroner.
- 2. Subsection 1 of section 26 of *The Coroners Act* is amended Rev. Stat., by striking out the word "jurymen" where it occurs in the subs. 1, first and third lines respectively and inserting in lieu thereof in each instance the word "jurors".
- **3.** Subsection 1 of section 37 of *The Coroners Act* is amended Rev. Stat., by striking out the word "mileage" in the first line.
- **4.** Subsection 1 of section 38 of *The Coroners Act* is amended Rev. Stat., by striking out the words "mileage allowance" in the second subs. 1, line and inserting in lieu thereof the word "allowances".
- 5. Section 40 of *The Coroners Act* is amended by striking Rev. Stat., out the words "mileage allowance" in the eleventh line and amended. inserting in lieu thereof the word "allowances".
- **6.** Schedule A to *The Coroners Act* is amended by adding Rev. Stat., thereto the following item:

 Sched. A, amended.
 - For expenses necessarily incurred in connection with an investigation or inquest, such expense allowance as may be approved by the Crown attorney.
- 7. This Act may be cited as The Coroners Amendment Short title. Act, 1951.



An Act to amend The County Judges Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 4 of *The County Judges Act* is repealed and the Rev. Stat., c. 76, s. 4, re-enacted.
 - 4.—(1) A junior judge may be appointed for each of the Junior counties of Carleton and Middlesex and for each of the districts of Sudbury and Thunder Bay.
 - (2) Two junior judges may be appointed for each of the Idem. counties of Essex and Wentworth.
- 2. Section 18 of *The County Judges Act* is repealed and the Rev. Stat., following substituted therefor:

 C. 76, S. 18, re-enacted.
 - 18.—(1) The Lieutenant-Governor in Council may Shorthand appoint one or more shorthand writers for the local appoint courts of any county or provisional judicial district, and where more than one is appointed for a county or provisional judicial district, the Lieutenant-Governor in Council may designate one of them as the senior shorthand writer.
 - (2) Every shorthand writer shall be under the direction Direction of the judge, or in his absence, of the junior judge or judges of the county or district for the local court of which he is appointed, and where a senior shorthand writer is designated, the other shorthand writer or writers shall also be subject to the direction of the senior shorthand writer.
 - (3) Every shorthand writer shall be entitled to such Remuneraremuneration as the Lieutenant-Governor in Council may prescribe.

Fees for transcripts.

(4) Every shorthand writer who is appointed at a salary shall nevertheless be entitled to take for his own use fees for transcriptions of shorthand notes unless he is expressly prohibited from so doing by the terms of his appointment.

Idem.

(5) Where a shorthand writer is appointed at a salary and is expressly prohibited from taking fees for his own use for transcriptions of shorthand notes, he shall collect the fees for such transcriptions and pay them over to the treasurer of the county.

Fees.

(6) The Lieutenant-Governor in Council may prescribe fees for shorthand writers.

Status.

(7) Every shorthand writer appointed at a salary for the local courts of a county shall be deemed an employee of the county for the purposes of *The Workmen's Compensation Act* and of any municipal plan of superannuation, group insurance or sick leave credit.

Contribu-

Rev. Stat., c. 430.

(8) The local municipalities not forming part of a county for judicial purposes shall pay to the county such proper proportion of the cost of the shorthand writer or writers appointed for the local courts of the county as may be mutually agreed upon, or failing agreement, as may be determined by arbitration.

Arbitration.

(9) For the purposes of an arbitration under subsection 8, the judge of the county court shall be sole arbitrator unless he requests a junior judge of the county court or the judge or a junior judge of some other county court to act for him, in which case such other judge shall be sole arbitrator.

Procedure. Rev. Stat., c. 244. (10) The provisions of *The Municipal Arbitrations Act* as to procedure and appeals shall apply to arbitrations held and awards made under subsection 8.

Commencement. **3.** This Act shall be deemed to have come into force on the 1st day of April, 1951.

Short title.

4. This Act may be cited as The County Judges Amendment Act, 1951.

An Act to amend The Day Nurseries Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Clause a of section 1 of *The Day Nurseries Act* is amended Rev. Stat., by striking out the words "six years of age" in the eighth cl. a, line and inserting in lieu thereof the words "seven years of age amended. and not attending the first grade of school", so that the clause shall read as follows:
 - (a) "day nursery" means any institution, agency or place, whether known as a day nursery, nursery school, kindergarten, play school, or under any other name, which for compensation or otherwise receives for temporary custody on a daily or hourly basis with or without stated educational purpose, during part or all of the day, apart from the parents, more than three children under seven years of age and not attending the first grade of school and not of common parentage, but does not include a nursery school or kindergarten conducted as part of a public or separate school under *The Public Schools Act* or Rev. Stat., Cc. 316, 356.
- 2. This Act may be cited as The Day Nurseries Amendment short title. Act, 1951.



An Act to amend The Department of Education Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Clause f of section 5 of *The Department of Education Act* Rev. Stat., is repealed and the following substituted therefor:

 ol. f, repealed and the following substituted therefor:
 - (f) to require employees of boards to submit periodically to medical examination.
- 2. This Act may be cited as The Department of Education Short title. Amendment Act, 1951.



An Act to amend The Department of Municipal Affairs Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

TIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario. enacts as follows:

- 1. Section 5 of The Department of Municipal Affairs Act Rev. Stat. is repealed and the following substituted therefor:
 - 5.—(1) The Minister shall, after the close of each year, Annual file with the Provincial Secretary an annual report report. upon the affairs of the Department.
 - (2) The Provincial Secretary shall submit the report Tabling. to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.
- 2. Section 11 of The Department of Municipal Affairs Act Rev. Stat., c. 96, s. 11, amended by adding thereto the following subsection: is amended by adding thereto the following subsection:
 - (2) The Department may also, in respect of a school school boards in board in an unorganized township or unsurveyed unorganized territory. territory, make an order under clause b of subsection 1, and for the purposes of the said clause and the other provisions of this Act respecting tax arrears procedures the school board shall thereupon be deemed to be a municipality.
- 3. Subsection 1 of section 47 of The Department of Muni-Rev. Stat., c. 96, s. 47, cipal Affairs Act is amended by inserting after the word subs. "owner" in the first line the words "or assessed owner", so that the subsection shall read as follows:
 - (1) The owner or assessed owner of or any person Right of appearing by the records of the registry office or the sheriff's office to have an interest in any vacant land or improved land in respect of which a tax arrears

certificate has been registered may redeem the land at any time within one year after the date of registration of the certificate by paying to the municipality the amount set forth in such certificate in respect of the land to be redeemed with interest thereon to the day of redemption, together with the amount of all expenses incurred by the municipality and the treasurer in registering the certificates and for searches and postage and \$1 for each certificate and for each notice sent under subsection 4 of section 45, and also by paying to the municipality all taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and had been liable for ordinary taxation and if the value thereof is not shown upon the assessment roll, such taxes shall be computed at the rate fixed by by-law for each year for which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontage as shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement, and a certificate of the treasurer as to the total amount payable in order to redeem the land shall be final and conclusive.

Short title.

4. This Act may be cited as The Department of Municipal Affairs Amendment Act, 1951.

An Act to amend The Deserted Wives' and Children's Maintenance Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 9 of The Deserted Wives' and Children's Main-Rev. Stat., c. 102, s. 9, tenance Act is repealed and the following substituted therefor: re-enacted.
 - 9.—(1) When default is made in the payment of any Enforcesum of money ordered to be paid under this Act, order. the judge of the juvenile court or magistrate who made the order, or any other judge of the juvenile court or magistrate before whom an information similar to the original information could be laid, or any judge of the juvenile court or magistrate who has jurisdiction in the locality in which the person in whose favour the order is made resides,
 - (a) may from time to time summon the person in default to explain the default; and
 - (b) if the service of the summons is proved and the person summoned does not appear and sufficient reason for his absence is not given, or if it appears that the summons could not be served, may issue a warrant for his arrest,

and if the person in default fails to satisfy the judge of the juvenile court or magistrate that such default is due to inability to pay, the judge of the juvenile court or magistrate may order and adjudge such person to be imprisoned for a term of not more than three months unless the sum payable under the first-mentioned order, or such lesser sum as the judge of the juvenile court or magistrate may designate, is sooner paid.

Transmission of order to facilitate enforcement.

(2) When default is made in the payment of any sum of money ordered to be paid under this Act, the judge of the juvenile court or magistrate who made the order may at any time send a duplicate original of the order, together with a statement showing such information as he possesses of the circumstances of the case and for facilitating the identification of the person against whom the order was made and the location of his place of residence, to any judge of a juvenile court having jurisdiction in the locality in which such person resides, or to any magistrate in or near such locality, and upon receipt thereof the judge of the juvenile court or magistrate, as the case may be, shall summon the person in default to explain the default and may, if he is satisfied as to the justice of the order, exercise any of the powers mentioned in subsection 1, and when he has dealt with the matter he shall send a report thereon to the judge of the juvenile court or magistrate who made the order.

Application of s. 1035A, Criminal Code (Can.). Rev. Stat., c. 379.

(3) Notwithstanding subsection 1 of section 3 of *The Summary Convictions Act*, section 1035A of the *Criminal Code* (Canada) shall not apply to an order for imprisonment made under this section.

Application of Rev. Stat. c. 379.

9a. Except as otherwise provided, proceedings under this Act shall be in accordance with *The Summary Convictions Act*.

Rev. Stat., c. 102, amended. **2.** The Deserted Wives' and Children's Maintenance Act is amended by adding thereto the following section:

Appeals.

9b. An appeal from an order made under this Act may be heard at such time as the judge of the court to which the appeal is taken may appoint and may in the discretion of the judge be heard in chambers.

Short title.

3. This Act may be cited as The Deserted Wives' and Children's Maintenance Amendment Act, 1951.

The Election Act, 1951

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act.

1951

Interpretation.

- (a) "advance poll" means a poll held under section 88;
- (b) "agent" when used in relation to a candidate includes a scrutineer appointed by the candidate;
- (c) "board" means election board as constituted under this Act for a county or provisional judicial district;
- (d) "candidate at an election" and "candidate" mean a person elected to serve in the Assembly and a person who is nominated as a candidate at an election or is declared by himself or by others to be a candidate on or after the day of the issue of the writ or after the dissolution or vacancy in consequence of which the writ has been issued;
- (e) "corrupt practice" means bribery and any act declared to be a corrupt practice by this or any other Act of the Legislature or recognized as such by the common law of Parliament;
- (f) "county" includes a district;
- (g) "county court" includes a district court;
- (h) "election court" means a court constituted under The Controverted Elections Act for the trial of a Rev. Strt., petition or a summary trial court constituted under that Act;

Rev. Stat.. c. 340.

- (i) "electoral district" means any place or territorial area designated as an electoral district by The Representation Act;
- (j) "form" means a form in the Schedule to this Act or prescribed by the regulations;
- (k) "local municipality" means a city, town, village or township;
- (l) "mariner" means a man or woman who is serving in His Majesty's naval forces or is serving in any capacity on a mercantile vessel registered at any port in the British Commonwealth at the time of the issue of the writ for a provincial election;
- (m) "oath" includes affirmation and statutory declaration;
- (n) "official agent" means the agent appointed by a candidate under section 199;
- (o) "polling list" means the list of voters furnished to a deputy returning officer by the returning officer in accordance with this Act:
- (p) "polling subdivision" means,
 - (i) in a municipality, a polling subdivision prescribed by the council of the municipality or by the returning officer under section 53, and
 - (ii) in territory without municipal organization, a division, subdivision, district, subdistrict or other territorial area fixed by the board for which a voters' list is to be prepared and for which one or more polling places are to be established for the taking of the vote at the election;
- (q) "prescribed" means prescribed by this Act or by the regulations;
- (r) "regulations" means regulations made under this Act;
- (s) "residence" and similar expressions used in relation to a person mean his true, fixed, permanent home or lodging place to which whenever he is absent he has the intention of returning, subject to the following rules:

- 1. The place where a person's family resides shall be deemed to be his residence unless he takes up or continues his abode at some other place with the intention of remaining there, in which case he shall be deemed to be a resident of such other place.
- 2. The place where a single person occupies a room or part of a room as a regular lodger or to which he habitually returns not having any other permanent lodging place shall be deemed to be his residence.
- 3. No person shall be deemed to be ordinarily resident in quarters or premises that are generally occupied only during some or all of the months of May to October and generally remain unoccupied during some or all of the months of November to April unless,
 - a. he is occupying such quarters in the course of and in the pursuit of his ordinary gainful occupation, or
 - b. he has no quarters in any other electoral district to which he might at will remove;
- (t) "rural polling subdivision" means a polling subdivision no part of which is,
 - (i) within a city, town, village or improvement district having a population of at least 5,000,
 - (ii) within a township having a population of at least 10,000, or
 - (iii) within a township adjacent to a city having a population of at least 100,000,

according to the last Federal census;

- (u) "urban polling subdivision" means a polling subdivision which is wholly,
 - (i) within a city, town, village or improvement district having a population of at least 5,000,
 - (ii) within a township having a population of at least 10,000, or
 - (iii) within a township adjacent to a city having a population of at least 100,000,

according to the last Federal census. R.S.O. 1950, c. 112, s. 1, amended.

ELECTION

Board for every county and district.

2.—(1) There shall be an election board in and for every county and provisional judicial district.

Disqualification for election.

(2) No person who is a member of the board or who has been engaged as a revising officer in the preparation of the voters' lists to be used at the election shall be eligible as a candidate at the election. R.S.O. 1950, c. 112, s. 2.

Composition of boards, York;

3.—(1) In the county of York the board shall be composed of the judges of the county court.

other counties and districts.

(2) In every other county and provisional judicial district the board shall be composed of five members as follows: the judge and junior judge of the county or district court, the local registrar of the Supreme Court, the sheriff of the county or district, the clerk of the peace, and where there is no junior judge of the county or district court, the local master of the Supreme Court, or where the local master is also the judge of the county or district court, the registrar of deeds, and where there are more registry divisions than one in the county or district such one of the registrars of deeds as may be designated by the other members of the board.

City to be part of county or district.

(3) For the purposes of this section, every city shall form part of the county or district in which it is situate, and the board shall have jurisdiction accordingly.

When deputy registrar to act.

(4) Where there is no local registrar of the Supreme Court, the deputy local registrar of the Supreme Court shall be a member of the board.

Chairman.

(5) The judge of the county or district court of the county or district, or in his absence, or in case of his inability to act, or in case of a vacancy in his office, the junior judge, or acting judge of the county or district court, shall be chairman of the board.

Vacancy in chair-manship.

(6) Where the judge or junior or acting judge is unable to act, and, on account of illness or absence, there is no other person who may act in his place, he may appoint in writing some other member of the board as chairman *pro tempore*, or, if he is unable or neglects to do so, the other members of the board may elect a chairman from among themselves.

Clerk of board.

(7) The board shall appoint one of their own number or some other person to act as clerk of the board.

Oath of office.

(8) Every member of the board and the clerk before performing any duties of the office shall take an oath before a commissioner for taking affidavits or a justice of the peace to faithfully and impartially perform his duties.

Quorum.

(9) Three members of the board shall form a quorum.

Chap. 21

- (10) Where there is a vacancy in the membership of the Vacancies. board and there is no official to fill the vacancy or where the number of officials mentioned in subsection 2 is not sufficient to complete the board, the board may appoint some fit and proper person, or a sufficient number of such persons, to complete the membership of the board.
- (11) Where an electoral district includes parts of two or Electoral district more counties or districts, it shall, for the purposes of this Act, containing be deemed to form part of the county or district in which its in more greater part is situate. R.S.O. 1950, c. 112, s. 3.

CLERK OF THE CROWN IN CHANCERY

4. Wherever in any Act a duty is imposed or a power Powers, etc., conferred upon or a reference is made to the Clerk of the exercised by C.E.O. Crown in Chancery, the duty shall be discharged, the power exercised by and the reference be deemed to be a reference to the Chief Election Officer. R.S.O. 1950, c. 112, s. 4, amended.

CHIEF ELECTION OFFICER

- 5.—(1) The Lieutenant-Governor in Council shall appoint Appointment a person being a barrister and employed in the public service and of Ontario to be Chief Election Officer, and may appoint another person possessing like qualifications to be Assistant Chief Election Officer.
- (2) It shall be the duty of the Chief Election Officer to Powers and consult with and advise the boards throughout the Province, C.E.O. and to supervise and instruct the returning officers, deputy returning officers and poll clerks in the performance of their duties, and where necessary to personally visit and consult with the chairman of the board or the returning officer with a view to facilitating the preparation of the lists and the carrying out of this Act.
- (3) In the absence or illness of the Chief Election Officer or Powers and if the office is vacant, the Assistant Chief Election Officer A.O.E.O. may act in his place and while so acting shall possess the like powers and perform the like duties as the Chief Election Officer.
- (4) In cases of emergency for which no provision is made, In cases of the Chief Election Officer may give such directions as he deems proper and anything done in compliance with such

directions shall not be open to question, but the Chief Election Officer shall immediately give notice of any direction so given by him to any candidate or proposed candidate whom he thinks may be affected by such direction. R.S.O. 1950, c. 112, s. 5, amended.

Clerical assistance.

6. The Chief Election Officer may provide for such clerical and other assistance as may be necessary in the performance of his duties, and the Lieutenant-Governor in Council may authorize the issue of accountable warrants from time to time for payment of travelling and other expenses and for remuneration of such officers and of persons employed in the office of the Chief Election Officer. R.S.O. 1950, c. 112, s. 6.

EFFECT OF IRREGULARITIES

Irregularities not affecting result.

- 7.—(1) No election shall be declared invalid,
 - (a) by reason of any irregularity on the part of the returning officer or in any of the proceedings preliminary to the poll;
 - (b) by reason of a failure to hold a poll at any place appointed for holding a poll;
 - (c) by reason of non-compliance with the provisions of this Act as to the taking of the poll, as to the counting of the votes, or as to limitations of time; or
 - (d) by reason of any mistake in the use of the forms contained in the Schedule to this Act.

if it appears to the tribunal having cognizance of the matter that the election was conducted in accordance with the principles of this Act, and that the irregularity, failure, noncompliance or mistake did not affect the result of the election.

Irregularities in assessment roll or voters' list.

Rev. Stat., c. 67. (2) An irregularity in the preparation or revision of any assessment roll or voters' list shall not be a ground for questioning the validity of an election or a return under *The Controverted Elections Act*, or otherwise. R.S.O. 1950, c. 112, s. 7.

ELECTION INTERRUPTED

When election or polling is not commenced or is interrupted.

8. If by reason of riot or other emergency a nomination meeting or the voting at a polling place is not commenced on the proper day or is interrupted after being commenced and before the lawful closing thereof, the returning officer or

deputy returning officer, as the case may be, shall hold or resume the election or polling on the following day at 1 p.m. in the case of a nomination meeting and at 8 a.m. in the case of a polling, and continue the same from day to day, if necessary, until a fair opportunity for nominating candidates has been given or, in the case of polling, until the poll has been opened without interruption and with free access to voters for eleven hours in all. R.S.O. 1950, c. 112, s. 8.

OATHS OR AFFIDAVITS

- 9.—(1) Except where otherwise provided, any oath for Who may the purposes of this Act may be sworn before a justice of the affidavits. peace, a commissioner for taking affidavits or a notary public.
- (2) The returning officer and election clerk shall have power only to the control of the control to administer any oath required by this Act, and the deputy administer. returning officer and poll clerk may administer any oath except such as is required to be administered to the returning officer.
- (3) Every person administering an oath under or for the No charge for adpurposes of this Act shall administer the same gratuitously. ministering oaths, etc. R.S.O. 1950, c. 112, s. 9.

AGENTS

10. A person who is disqualified and incompetent to vote Certain under section 15, or who within eight years has been found disqualified guilty by a competent tribunal of a corrupt practice or re-acting ported for a corrupt practice by an election court, shall not as agents. act as agent for a candidate at an election, and every person violating this provision shall be liable to the same penalty as if he had voted at the election. R.S.O. 1950, c. 112, s. 10.

- 11. A candidate may himself undertake any of the duties Right of which his agent, except his official agent, might have under-to under-take duties taken, if appointed, or may assist his agent in the performance of agent. of such duties, and may be present at any place at which his agent may attend in pursuance of this Act, except at the marking of a ballot under section 100. R.S.O. 1950, c. 112, s. 11.
- 12. Where expressions are used in this Act that require or Nonauthorize any act to be done in the presence of the agents of agents. the candidates, the non-attendance of any agent shall not invalidate the act done. R.S.O. 1950, c. 112, s. 12.

PERSON NOMINATED WITHOUT CONSENT

13. Nothing in this Act shall impose any liability upon liability a person nominated as a candidate or declared to be a nominated without candidate consent.

candidate by others without his consent, unless he has afterwards given his assent to the nomination or declaration, or has been elected. R.S.O. 1950, c. 112, s. 13.

QUALIFICATION OF CANDIDATE

Who may be candidate.
Rev. Stat., c. 202.

14. Any person of the full age of twenty-one years and a British subject by birth or naturalization who has resided in Ontario for the twelve months next preceding the day of polling and who is not disqualified by *The Legislative Assembly Act* or by any other Act shall be qualified to be a candidate. R.S.O. 1950, c. 112, s. 14, *amended*.

QUALIFICATION OF VOTERS

WHO SHALL NOT VOTE

Who disqualified from voting.

15.—(1) Judges of the Federal and Provincial courts, clerks of the peace, Crown attorneys and magistrates shall be disqualified and incompetent to vote. R.S.O. 1950, c. 112, s. 15 (1), amended.

Penalty.

(2) Any person mentioned in subsection 1, who votes, shall incur a penalty of \$2,000 and his vote shall be void. R.S.O. 1950, c. 112, s. 15 (2).

Disqualification of certain officers.

16.—(1) No returning officer or election clerk shall be entitled to vote, but this provision shall not affect the duty of the returning officer to give a casting vote.

Persons employed by candidate for reward.

(2) No person shall be entitled to vote who at any time before or during the election was employed as counsel, agent, solicitor or clerk or in any other capacity by a candidate or by any person at or in reference to the election, or for the purpose of forwarding the same, and who has received or expects to receive, either before, during or after the election, from any candidate or from any person, for acting in such capacity, any sum of money, fee, office, place or employment, or any promise, pledge or security therefor. R.S.O. 1950, c. 112, s. 16 (1, 2).

Saving as to election officers.

(3) Subsection 2 shall not apply to a person who performs any official duty in connection with the election and who receives the fees to which he is entitled nor shall it apply to a person appointed as an agent by a candidate. R.S.O. 1950, c. 112, s. 16 (3), amended.

Disqualification of convicts, mentally ill persons, etc. 17. No person shall be entitled to be entered on the voters' list, or shall vote, who is a prisoner in a penal or reform institution undergoing punishment for a criminal offence, or who is a patient in a mental hospital, or who is maintained in

whole or in part as an inmate receiving charitable support or care in a home for the aged or house of industry. R.S.O. 1950, c. 112, s. 17.

WHO MAY VOTE

- **18.** Subject to the provisions hereinafter contained, in any Who may electoral district in which an election to the Assembly is held, the following persons being entered on the proper polling list, and no others, shall be entitled to vote at such election:
 - 1. Every man and every woman who, at the time of Generally. voting,
 - (a) is of the full age of twenty-one years;
 - (b) is a British subject;
 - (c) is not disqualified under this Act or otherwise prohibited by law from voting;
 - (d) has resided in Ontario for the twelve months next preceding the day of polling; and
 - (e) resided in the electoral district at the date of the issue of the writ of election.
 - 2. Every man and every woman who, at the time of Disabled soldiers' voting,
 - (a) is a British subject;
 - (b) is not qualified to vote under paragraph 1;
 - (c) is not disqualified under this Act or otherwise prohibited by law from voting,

whether he or she is or is not an Indian, enfranchised or unenfranchised, or of whole or part Indian blood, and whether or not he or she has attained the age of twenty-one years, and who,

- (d) has served or is serving as a member of the Canadian Forces within the meaning of The National Defence Act (Canada) or the 1950, c. 43 armed forces of any part of the British Commonwealth or any ally thereof; and
- (e) is an inmate or patient or employed and resident in a military hospital or institution for the reception, treatment or vocational

training of persons who have so served or are so serving, or in a hospital or institution for the blind or deaf or an eleemosynary institution, situated in the electoral district,

and there shall be entered on every list prepared under this Act opposite the name of any person so qualified, the letters "D.S.F." (Disabled Soldiers' Franchise). R.S.O. 1950, c. 112, s. 18, amended.

CHANGE OF RESIDENCE WITHIN TWO MONTHS OF POLLING

Removal from one electoral district to another.

19.—(1) Notwithstanding section 18, a person who was a resident in and is entered on the list prepared for a polling subdivision or polling place in an electoral district or who would have been entitled to be so entered had he remained a resident in such electoral district and who has moved from such electoral district in the course of his ordinary profession. occupation or calling and has become a resident of another electoral district, and any person ordinarily resident with the first-mentioned person as a member of his family or household who has so moved with the first-mentioned person, shall be entitled to be entered on the list of voters in the last-mentioned electoral district by the revising officer, or by the judge, as the case may be, upon filing with the revising officer or judge an affidavit (Form 1) and producing such other evidence that he was so entered or entitled to be so entered and that such move was solely for the purpose of carrying on such profession, occupation or calling, as the revising officer or judge may deem necessary.

Certificate.

(2) The revising officer or judge shall give a certificate in writing (Form 2) to every person entered on the list under subsection 1.

Entry after name of person so added. (3) The revising officer or judge shall write "entered under *The Election Act*, 1951, section 19" after the name of every person entered on the list under subsection 1.

Production of certificate at poll.

(4) A person whose name is entered on the list under this section shall not be entitled to vote unless at the time of tendering his vote he produces to the deputy returning officer the certificate mentioned in subsection 2. R.S.O. 1950, c. 112, s. 19 (1-4).

OCCASIONAL OR TEMPORARY ABSENCE

Occasional or temporary absence, when not to disqualify. **20.** A person may be resident in a municipality within the meaning of this Act, notwithstanding occasional or temporary absence, or absence as,

- (a) a member of the Canadian Forces within the meaning of The National Defence Act (Canada) or of the (Can.). armed forces of any part of the British Commonwealth or any ally thereof, or a nurse or nursing sister or in any other capacity with such forces;

81

- (b) a student in attendance at an institution of learning in Canada:
- (c) a mariner within the meaning of this Act,

and such absence shall not disentitle him to be entered on any voters' list or to vote. R.S.O. 1950, c. 112, s. 20.

ELECTION

BRITISH SUBJECTS—NATURALIZATION

- 21.—(1) A woman shall be deemed to be a British subject When by birth or naturalization within the meaning of this Act, so be deemed as to entitle her to vote. subjects.
 - (a) if she was born a British subject and is unmarried or married to a British subject and has not become a subject of any foreign power or a citizen of any foreign state; or
 - (b) if she has become naturalized in her own right as a British subject and has not become a subject of any foreign power or a citizen of any foreign state; or
 - (c) if she has become a British subject by the naturalization as a British subject of her parent while she was a minor and has not become a subject of any foreign power or a citizen of any foreign state; or
 - (d) if she is married to, or being a widow, is the widow of, a British subject and since such marriage has not done any act to cause herself to become a subject of any foreign power or a citizen of any foreign state,

and no woman shall be entitled to be entered on the list of voters or to vote unless so qualified.

- (2) For the purposes of this section, a statutory declaration Evidence by a person claiming to be a British subject shall be prima of facts facie evidence of the facts declared to.
- (3) Subsection 1 shall not apply to a person qualified to Exceptions (3) Subsection 1 shall not apply to a person quantical to as to vote under paragraph 2 of section 18. R.S.O. 1950, c. 112, soldiers' franchise. s. 21.

INDIANS

Indians, when disqualified. **22.**—(1) A person who is an unenfranchised Indian of whole or part Indian blood and who resides among Indians or on an Indian reserve shall not be entitled to have his name entered on the list of voters or to vote unless he has served or is serving as a member of the Canadian Forces within the meaning of *The National Defence Act* (Canada) or of the armed forces of any part of the British Commonwealth or any ally thereof.

Special oath.

(2) A person alleged by a candidate or by an agent of a candidate to be disqualified from voting under subsection 1, if required by the candidate or his agent or by the deputy returning officer, shall take one of the following oaths in addition to the oath required to be taken by a voter:

You swear (or solemnly affirm) that you are not an Indian or a person having part Indian blood;

or at his option

You swear (or solemnly affirm) that you are an enfranchised Indian;

or at his option

You swear (or solemnly affirm) that you do not reside among Indians or on an Indian reserve;

or at his option

You swear (or solemnly affirm) that you have served or are serving against the King's enemies.

Preparation of lists on reserves.

(3) The territory included in an Indian reserve shall be deemed territory without municipal organization. R.S.O. 1950, c. 112, s. 22, amended.

PROCEEDINGS PRELIMINARY TO ELECTION

DATES FOR NOMINATION AND POLLING

Nomination day.

23.—(1) Where an election is to be held, the Lieutenant-Governor in Council may appoint a day, not more than sixty and not less than thirty days after the date of the writs of election, for the nomination of candidates.

Polling day.

(2) Where the nomination day appointed is in the months from April to October inclusive, the seventh day after the nomination day shall be the day on which polling shall take place where a poll is granted, and where the nomination day appointed is in the months from November to March inclusive, the fourteenth day after the nomination day shall be the day

83

on which polling shall take place where a poll is granted. R.S.O. 1950, c. 112, s. 23 (1), amended.

ELECTION

- (3) In the case of a general election, the nominations shall bate to be same in all be held on the same day for all electoral districts and the electoral districts. respective days for the nomination and for the polling shall be stated in the proclamation for the election.
- (4) The writs for a general election shall be dated on the Writs to bear same same day.
- (5) A writ of election shall state the respective days for the Writs to state nomination and for the polling, and need not name a return nomination day, but shall be returnable forthwith after the execution days. thereof. R.S.O. 1950, c. 112, s. 23 (2-4).
- 24. Notwithstanding any of the provisions of this Act, Notification of the Act, of appointthe Chief Election Officer may, immediately after the direction ment as R.O. of a writ of election to a person named therein as returning officer, notify him by telegram that a writ of election has been directed to him, and thereupon such person may perform any of his duties under this Act or The Voters' Lists Act, 1951 1951 c. 93. although he has not actually received the writ. R.S.O. 1950. c. 112, s. 24.

SUPPLIES

- 25.—(1) Before every election, the Chief Election Officer Notice as shall cause to be printed in conspicuous characters a notice as to secrecy. to secrecy (Form 4) and shall transmit by post to the returning officer of every electoral district such number of copies as he deems sufficient to supply every deputy returning officer with five copies, and every deputy returning officer shall post up one copy in a conspicuous place outside his polling place and one copy in a conspicuous place within his polling place, and he shall see that they remain so posted up from the opening to the close of the poll.
- (2) The notice may be separate or added to the directions Notice may for the guidance of voters in voting (Form 3).
- (3) The Chief Election Officer shall also procure from the supply of King's Printer the forms, other than the proclamation of the King's nomination, prescribed by this Act or by Part III of The Printer. Voters' Lists Act, 1951, for each electoral district in sufficient number for the requirements of the election, the label mentioned in subsection 2 of section 146 and such stationery as may be necessary and shall send the same to the returning officer forthwith after the issue of the writ. R.S.O. 1950, c. 112, s. 25, amended.
- 26. Immediately after the issue of the writ, the Chief Supply of Election Officer shall supply the returning officer with a and forms. sufficient number of blank poll books (Form 5) for the

purposes of the election having regard to the number of polling places within the electoral district, containing the following blank forms:

1. Commission of deputy returning officer.

2. Oath of deputy returning officer.

3. Commission of poll clerk.

4. Oath of poll clerk.

- 5. Oath of secrecy.6. Schedule for "Notes of objections" to ballot papers under section 115.
- 7. Statement of the poll after counting the ballot papers.

8. Ballot paper account.

9. Oath of deputy returning officer after closing the poll.

10. Oath of poll clerk after closing the poll.

11. Certificate of returning officer for outside voters.

R.S.O. 1950, c. 112, s. 26.

Transmission of copies of this Act.

27. There shall be transmitted to the returning officer with the writ of election such number of copies of this Act and of any Acts amending the same as will be sufficient to supply him and each deputy returning officer with at least one copy, and every copy shall contain an alphabetical index. R.S.O. 1950, c. 112, s. 27.

RETURNING OFFICERS

Appointment of R.O's.

28. A commission shall not be required for the appointment of a returning officer, but the direction of a writ of election to a person named therein as returning officer shall be a sufficient appointment. R.S.O. 1950, c. 112, s. 28.

Writs for elections.

29. Every writ of election shall be addressed to a person who is a British subject of the full age of twenty-one years resident in the electoral district or in a local municipality any portion of which is in the electoral district. R.S.O. 1950, c. 112, s. 29.

Refusal or incapacity to act.

30. If the person to whom the writ is addressed dies or refuses to act or is absent or incapacitated or is unable from any cause to act, the Lieutenant-Governor in Council may appoint some other person to be returning officer. R.S.O. 1950, c. 112, s. 30,

Where appointment is subse-quently superseded.

31. If a writ has been issued to a person whose appointment is afterwards superseded or to a person in whose stead a returning officer has been appointed under section 30, a new writ may be issued or the new returning officer may act under the writ already issued as if the same had been addressed to him, and the validity of the proceedings had or taken under the first appointment shall not be affected by the new appointment; but the new returning officer may appoint a new election clerk and new deputy returning officers, if he thinks fit, in place of the persons, if any, appointed to such offices by the person previously named as returning officer. R.S.O. 1950, c. 112, s. 31.

- **32.**—(1) The following persons shall not be appointed or Persons excluded act as a returning officer, deputy returning officer, election from being returning officers, etc.
 - 1. Members of the Executive Council.

1951

- 2. Members of the Parliament of Canada or of the Assembly.
- 3. Ministers, priests or ecclesiastics under any form or profession of religious faith or worship.
- 4. Judges of Federal or Provincial courts.
- 5. Persons who have served as members of the Assembly in the session next preceding the election, or in the then present session, if the election takes place during a session of the Assembly.
- 6. Persons who have at any time been found guilty by a competent tribunal of or reported by an election court for corrupt practices.
- (2) Every such person who acts as a returning officer, Penalty. deputy returning officer, election clerk or poll clerk shall incur a penalty of \$200.
- (3) A contravention of this section shall not affect the validity validity of the election. R.S.O. 1950, c. 112, s. 32.

 Output

 Output

 Description

 Output
- **33.** The following persons shall not be obliged to act as a Exempted returning officer, deputy returning officer, election clerk or poll clerk:
 - 1. Physicians and surgeons.
 - 2. Postmasters.
 - 3. Persons sixty years of age or more.
 - 4. Persons who have previously served as returning officers. R.S.O. 1950, c. 112, s. 33, amended.
- **34.** Every person not disqualified by this Act who refuses Penalty for to perform the duties of returning officer after having received to act. the writ of election shall incur a penalty of \$200; unless, having

a right to claim exemption under section 33, he has claimed exemption by letter setting forth the grounds of such exemption and forwarded it to the Chief Election Officer within the two days next after the receipt of the writ of election. R.S.O. 1950, c. 112, s. 34.

Endorsement on writ. **35.** The returning officer shall on receiving the writ endorse thereon the date of its receipt. R.S.O. 1950, c. 112, s. 35.

Oath of R.O.

36. The returning officer shall before the nomination day take and subscribe the oath (Form 6), and every returning officer who refuses or neglects to take and subscribe the oath shall incur a penalty of \$40. R.S.O. 1950, c. 112, s. 36.

Proclamation by R.O.

- **37.**—(1) The returning officer shall after the receipt of the writ by proclamation (Form 7) declare,
 - (a) the place and time fixed for the nomination of candidates;
 - (b) the day on which the poll for taking the votes of the voters is to be held in case a poll is granted;
 - (c) the polling places fixed by him and the territorial limits to which they respectively apply;
 - (d) the time when and the place where he will add up the number of votes given to the candidates.

When proclamation to be posted up.

(2) The proclamation shall be posted up in the electoral district at least five days before the nomination day, neither the last day of posting up nor the nomination day being reckoned. R.S.O. 1950, c. 112, s. 37.

Place and time of nomination.

38. The place for the nomination of candidates shall be the court house, municipal hall or some other public or private building in the most central or the most convenient place for the majority of the voters of the electoral district, and the time appointed for the nomination of candidates shall be from 1 p.m. until 2 p.m. of the day fixed for that purpose. R.S.O. 1950, c. 112, s. 38.

Places of posting up proclamation.

- **39.**—(1) The returning officer shall cause the proclamation to be posted up,
 - (a) at every post office in the electoral district; and
 - (b) at least at one other place in every polling subdivision in the electoral district; and

87

- (c) in a municipality divided into wards, at the municipal hall and in some other public place in each ward in the electoral district, and in other local municipalities, at the municipal hall or other place where the meetings of the council are held.
- (2) In territory without municipal organization the pro-Interritory clamation shall be posted up in some public place in the municipal neighbourhood of each place at which a poll is to be held.
- (3) The proclamation shall be posted up in a conspicuous May be place and may be posted up on either public or private public or private property. R.S.O. 1950, c. 112, s. 39.
- **40.** A returning officer who refuses or neglects to cause Penalty. the proclamation to be posted up as prescribed by section 39 shall incur a penalty of \$200. R.S.O. 1950, c. 112, s. 40.
- 41.—(1) Where from any cause the proclamation could Unforeseen not be posted up so as to leave the required delay between the vided for posting up and the nomination day, or the returning officer is unable to hold the nomination on the day fixed for that purpose, he may by proclamation under his hand fix another day for the nomination which shall be the nearest day practicable, after allowing the required delay between the posting up of the proclamation and the nomination day.
- (2) The proclamation shall be in the like form and shall be Form of proclamation.
- (3) The polling day shall be the seventh day after nomina-Polling day.
- (4) The returning officer, with his return, shall make to Postpone-the Chief Election Officer a report of the cause which occa-as to cause sioned the postponement of the election. R.S.O. 1950, c. 112, s. 41.
- 42. Wherever the Lieutenant-Governor in Council is Communication and travel in an electoral district is likely to be dangerous or to be interrupted, he may direct that all necessary instructions and information relating to the election be transmitted by telephone or by such means as he deems appropriate, including information as to the number of votes given for each candidate and as to all other matters relating to the election, so as to enable the returning officer to return the candidate having the majority, or to make such other return as the case requires, and the Lieutenant-Governor in Council may make such order for carrying out this section as he deems proper. R.S.O. 1950, c. 112, s. 42, amended.

ELECTION CLERK

Appointment of election clerk.

43.—(1) The returning officer, by a commission under his hand (Form 8), shall before nomination day appoint a person having the like qualifications as are required in the case of a returning officer to be his election clerk.

Death or default of election clerk.

(2) The returning officer may at any time during the election in the same manner appoint another election clerk if the one so appointed dies or refuses or neglects or is unable to perform his duties.

Duties of election clerk.

(3) The election clerk shall assist the returning officer in the performance of his duties, and, if the returning officer dies or refuses or is disqualified or unable to perform his duties and has not been replaced by another, shall act in his stead as returning officer. R.S.O. 1950, c. 112, s. 43.

Oath of election clerk.

44. The election clerk before entering upon his duties shall take and subscribe the oath (Form 9). R.S.O. 1950, c. 112. s. 44.

Penalty for refusing to act.

45. A person appointed election clerk, who refuses to accept the office, or who, having accepted it, refuses or neglects to take and subscribe the oath, or to perform the duties of an election clerk, shall incur a penalty of \$40. R.S.O. 1950, c. 112, s. 45.

Appointment and oath to be on writ.

46. The appointment and oath of an election clerk shall be either endorsed on or attached to the writ. R.S.O. 1950, c. 112, s. 46.

Duties and liabilities when acting as R.O.

47. An election clerk whose duty it becomes to act in the stead of the returning officer shall be subject to the same penalties as the returning officer for his neglect or refusal to perform the duties, and to all the obligations of that office, in like manner as if he had been appointed returning officer, and shall not be required to possess any other qualifications or to take the oath (Form 6). R.S.O. 1950, c. 112, s. 47.

BALLOT BOXES

Ballot boxes to be furnished.

48.—(1) The returning officer shall, on receiving the writ, provide as many ballot boxes as there are polling places within the electoral district.

How made.

(2) Every ballot box shall be made of durable material, provided with lock and key, and so constructed that ballot

papers can be deposited therein but cannot be withdrawn without unlocking the box.

- (3) If the returning officer fails to provide the ballot boxes, Penalty he shall incur a penalty of \$100 in respect of every ballot box to furnish boxes. that he fails to provide. R.S.O. 1950, c. 112, s. 48.
- **49.** The property in the ballot boxes, ballot papers, Property marking instruments, books, papers and documents procured Crown. for or used at an election, shall be in His Majesty. R.S.O. 1950, c. 112, s. 49.
- **50.** Where it becomes necessary to use the ballot boxes, ballot boxes the returning officer shall deliver one ballot box to every to D.R.O.'s. deputy returning officer at least two days before the polling day. R.S.O. 1950, c. 112, s. 50.
- **51.** A deputy returning officer who has not been supplied D.R.O. as with a ballot box within the time prescribed in section 50 box. shall cause one to be made forthwith. R.S.O. 1950, c. 112, s. 51.
- **52.** After the close of the election the returning officer shall Beturn of deliver the ballot boxes used in the election to the clerks of to municipal the several municipalities in the electoral district and to the clerks of clerks of the peace in the case of territory without municipal organization, and the boxes shall be preserved by them for use at future elections. R.S.O. 1950, c. 112, s. 52.

POLLING SUBDIVISIONS

53.—(1) In the case of failure of the council to divide a When returning municipality into polling subdivisions, the returning officer office to make the division.

(2) Where the council has divided the municipality into When counpolling subdivisions, the returning officer shall not be required divided municipality. to make any change in the boundaries of a polling subdivision. R.S.O. 1950, c. 112, s. 53.

POLLING PLACES

- 54.—(1) Subject to subsection 3 of this section and Polling sections 55 and 56, the returning officer, on receiving the writ, shall fix and provide at least one polling place for each polling subdivision in the most central or most convenient place for the voters, and if the board approves, the polling place may be provided outside the limits of the polling subdivision.
- (2) The returning officer may unite two or more adjoining Union of polling subdivisions and fix one polling place for the united subdivisions. subdivisions.

Where polling places not to be. Rev. Stat., c. 211.

(3) The poll shall not be held in a premises licensed under The Liquor Licence Act or in a place of public entertainment. and there shall be free access to the poll for every voter.

Additional polling places.

(4) A returning officer may in his discretion grant such additional polling places in any polling subdivision as the extent of the subdivision and the remoteness of any number of its voters from the polling place render necessary.

More than one polling place in subdivision.

(5) Where a polling subdivision contains a greater number of voters than may conveniently vote at one polling place, the returning officer, with the approval of the board, may provide one or more additional polling places in the same building or near to one another, having regard to the total number of voters in the polling subdivision.

Division to be according to initial letters of voters' names.

(6) Where there are two or more polling places in a subdivision, each polling place shall be designated by the initial letters of the surnames of the voters who are to vote in such polling place, in the following manner, that is to say, from A to M inclusive, and from N to Z inclusive, or as may be determined by the returning officer.

Where voters to vote.

(7) Every voter the initial letter of whose surname is included within the letters of the alphabet designating a polling place shall vote in the polling place so designated.

Appoint-D.R.Os. for additional polling places

(8) The returning officer shall appoint a deputy returning officer for each such polling place and deliver to him in due time a polling list containing the names of all voters on the proper list of voters for the polling subdivision.

Where village includes different electoral districts.

(9) Where an incorporated village includes portions of two townships lying in different electoral districts, the board of of two town- the county or district in which the village or the larger part of the village is situate shall divide the village into two polling subdivisions and shall include the territory in each electoral district in a polling subdivision, and the board may give such directions to the clerk of the village as it deems necessary for the separating of the names of the voters in one polling subdivision from the names of the voters in the other and for distinguishing between the two classes of names in the voters' list of the village, and the clerk of the peace shall prepare a separate polling list for each of such polling sub-R.S.O. 1950, c. 112, s. 54, amended.

R.O. to provide polling places.

55.—(1) The returning officer shall provide a proper polling place and shall ensure that it is furnished with light and heat and such other accommodation and furniture as may be required.

- (2) A polling place may be situated in a schoolhouse, Location of hall or other public building or on private property, or the places. returning officer may purchase or construct tents or portable booths or movable structures and without charge may set up or erect the same in any street, lane or vacant lot.
- (3) The number and location of the polling places shall Number and be subject to the approval of the board, and the chairman polls, to be of the board shall certify in writing that the number of polling board. places and their location are necessary and proper.
- (4) Where it is found that the returning officer has estab-Cost of unnecessary lished a polling place which is unnecessary to accommodate poll. the voters and that such polling place has not been approved by the board, the cost to the Province of establishing such poll and conducting the polling thereat shall be borne by the returning officer and deducted from his fee.
- (5) The sum of \$12 for every building or part of a building Amount used as a polling place and an additional sum of \$6 for every polling additional polling place situate in the same building shall be payable by the returning officer to the persons entitled thereto. R.S.O. 1950, c. 112, s. 55.

SOLDIERS' HOSPITALS

- **56.**—(1) Where in any electoral district there is situate a Polling home or hospital or other institution for the reception, treat-hospitals, ment or vocational training of disabled soldiers or sailors, a polling place shall be provided in such institution or upon the premises, and, for the purpose of polling, the institution shall be deemed to be a polling place and every inmate or other person resident in the institution who is entered on the polling list shall vote at such polling place.
- (2) Where a patient or other inmate of such institution is Incapacibed-ridden or is unable to walk, it shall be lawful for the patients. deputy returning officer and poll clerk with the candidates or their agents to attend upon such person for the purpose of receiving his ballot, but a candidate shall not be present where the ballot of any such voter is marked under section 100. R.S.O. 1950, c. 112, s. 56.

VOTING COMPARTMENTS

57. Every polling place shall be furnished with compart-compartments in which voters may mark their ballot papers without voters to other persons being able to see how they are marked, and it ballots.

shall be the duty of the returning officer and the deputy returning officer respectively to ensure that a sufficient number of compartments is provided at each polling place. R.S.O. 1950, c. 112, s. 57.

NOMINATIONS

Proceedings on nomination day. 58.—(1) The returning officer, at the time and place fixed for the nominations, shall make or cause to be made, in the presence of the voters there assembled, a proclamation (Form 10) and read or cause to be read publicly the writ of election and his commission as returning officer when he has been appointed by commission, and he shall then call for nominations or further nominations to be made in writing in the manner hereinafter set out.

Nominations to be in writing.

(2) The nomination shall be by writing (Form 11) signed by at least 100 duly qualified electors of the electoral district and stating the name, residence and legal addition, occupation or description of the person proposed in such manner as will identify him sufficiently, and a person shall be deemed to be a duly qualified elector if he is qualified to be entered on the list of voters as entitled to vote at the election.

Separately for each candidate.

(3) Each candidate shall be nominated by a separate nomination paper, and a duly qualified elector may sign the nomination papers of different candidates.

When to be filed.

(4) The nomination paper shall be produced to and filed with the returning officer at the time and place fixed by the proclamation or on either of the two days next preceding that on which the nomination meeting is to be held.

Consent of candidate.

(5) The nomination paper shall be accompanied by the consent in writing of the person therein nominated, except where such person is absent from Ontario, when such absence shall be stated in the nomination paper.

Certificate of R.O. as to regularity.

(6) Where the nomination paper is filed with the returning officer by the candidate or his agent not later than 1.30 p.m. on the day fixed by the proclamation for holding the nomination meeting, the returning officer shall, if requested, then and there examine the paper and if satisfied of the regularity thereof and that it is signed by the proper number of duly qualified electors, he shall so certify in writing, and his certificate shall be final and the validity of the nomination shall not be open to question upon any ground whatever.

Imperfect nomination paper.

(7) The returning officer shall not reject any nomination paper that is received before the time fixed for the close of nomination in the proclamation of the returning officer and

93

that is signed by at least 100 persons purporting to be residents of and electors in the electoral district, and if any nomination paper appears to the returning officer to be invalid for any reason he shall not reject it until he has communicated the facts to the Chief Election Officer and the Chief Election Officer has in writing, signed by him, authorized such rejection, and for the purposes of communicating with the Chief Election Officer the returning officer shall adjourn the proceedings until 1 p.m. on the next day following, when he shall at the same place announce the decision of the Chief Election Officer. R.S.O. 1950, c. 112, s. 58.

- **59.** If more than one candidate is nominated, the returning Grant of officer shall grant a poll for taking the votes, and if he refuses or neglects to do so, he shall incur a penalty of \$1,000, and if he declares a candidate to be elected, the election shall be void. R.S.O. 1950, c. 112, s. 59, amended.
- **60.** If only one candidate is nominated, or if by the with-Election by drawal of persons nominated there remains only one candidate, the returning officer, at the expiration of the time in which nominations may be received, shall close the election and openly proclaim the person so chosen to be duly elected. R.S.O. 1950, c. 112, s. 60, amended.
- **61.** The returning officer shall announce at the place and Official on the day of nomination, and on or immediately after the day of nomination shall publish at the expense of the candidates, the names and addresses of their official agents in a newspaper published or circulated within the electoral district. R.S.O. 1950, c. 112, s. 61.
- **62.**—(1) A candidate may withdraw at any time after withhis nomination and before the opening of the poll by deliver-drawal of candidate ing to the returning officer a declaration in writing (Form 12) after nomination. to that effect signed by himself in the presence of a subscribing witness, and any votes cast for a candidate who has so withdrawn shall be void, and if after the withdrawal there remains but one candidate, the returning officer shall return as duly elected the candidate so remaining.
- (2) In the case of a candidate withdrawing where there Idem. are more than two candidates, the returning officer shall, if possible, cause every deputy returning officer to be notified forthwith of the withdrawal, and notice of the withdrawal shall be posted up in a conspicuous place in every polling place in the electoral district. R.S.O. 1950, c. 112, s. 62.
- **63.** If a candidate dies after being nominated and before Death of candidate. the close of the poll, the returning officer shall fix new days

for the nomination of candidates, and for polling, and the nomination day shall be the nearest day practicable, after allowing the required delay between the posting up of the proclamation and the nomination day, and with his return he shall make to the Chief Election Officer a report of the cause which occasioned the postponement of the election. R.S.O. 1950, c. 112, s. 63.

R.O. to proclaim names of D.R.Os.

64. When a poll has been granted, the returning officer, immediately after having granted a poll and before adjourning his proceedings, shall publicly proclaim at the place of nomination as far as practicable the names of the deputy returning officers, and shall on the written request of a candidate furnish him with a list of the deputy returning officers showing the polling place at which each is to act. R.S.O. 1950, c. 112, s. 64.

POLLING

PROCEEDINGS PRELIMINARY TO THE POLL

Appointment of D.R.O.

65.—(1) The returning officer by a commission under his hand (Form 13) shall appoint a deputy returning officer for every polling place.

D.R.O. to be voter in local municipality. (2) No person shall be appointed a deputy returning officer who is not a voter in the local municipality wherein the polling place for which he is appointed is situate, or, in the case of territory without municipal organization, who is not a voter in the electoral district. R.S.O. 1950, c. 112, s. 65.

Oath of office, etc.

66. Every deputy returning officer before acting shall take and subscribe the oath (Form 14). R.S.O. 1950, c. 112, s. 66.

Penalty for refusing to perform duties of office.

67. A person appointed a deputy returning officer who refuses to accept the office or who after having accepted it refuses or neglects to take and subscribe the oath or to perform the duties of a deputy returning officer shall incur a penalty of \$100. R.S.O. 1950, c. 112, s. 67.

Death or absence of D.R.O.

68. In case of the death, illness or absence of a deputy returning officer or his refusal or neglect to act, the returning officer may in the manner provided in section 65 appoint another deputy returning officer to act in his stead, and the appointment and oath of the person so appointed shall be endorsed upon or attached to the poll book. R.S.O. 1950, c. 112, s. 68.

Polls in districts.

69. In territory without municipal organization, polls shall be held at such places as may be fixed by the returning officer, subject to the approval of the board. R.S.O. 1950, c. 112, s. 69, amended.

95

- 70. Territory within a newly organized municipality for Municipality which there is no assessment roll shall be deemed to be territory assessment roll. without municipal organization within the meaning of section 69. R.S.O. 1950, c. 112, s. 70.
- 71. The returning officer shall deliver to each deputy Supplies to returning officer, at least two days before the polling day, a by returning officer. blank poll book, forms of oaths to be administered to voters, envelopes and sealing-wax, and a screen, if one is required. R.S.O. 1950, c. 112, s. 71.
- 72.—(1) If foolscap paper is used for printing the ballot Ballot papers it shall be of a weight of not less than 16 pounds to the weight. ream, and if large post paper is used it shall be of a weight of not less than 25 pounds to the ream.
- (2) The paper used shall contain a secret thread or other $_{\rm show\ secret}^{\rm Paper\ to}$ mark so placed as to run through each column of ballots $_{\rm marking}^{\rm Paper\ to}$. ruled on every sheet of the ballot paper furnished.
- (3) The manufacturer of the paper shall furnish security be furnished in such amount as may be fixed by the Lieutenant-Governor by manufacturer. in Council that none of the paper manufactured for use in printing the ballots will be supplied by him to any person other than the King's Printer, and upon the delivery of the paper the number of sheets shall be counted by the King's Printer and a receipt therefor in writing signed by the King's Printer shall be given to the manufacturer.
- (4) The paper required for the printing of the ballot papers King's Printer to shall be furnished to the Chief Election Officer by the King's furnish Printer from time to time as may be required, and the King's C.E.O. Printer and the Chief Election Officer shall check the number of sheets of ballot paper so furnished and the Chief Election Officer shall give to the King's Printer a receipt in writing signed by him.
- (5) The Chief Election Officer shall deliver or transmit by Supply to express in one or more boxes locked and sealed with his seal to R.O. to the returning officer for each electoral district a sufficient number of sheets of the paper for the printing of the ballots and the returning officer shall upon receipt of the same count the sheets and forward his receipt therefor (Form 15) to the Chief Election Officer.
- (6) The returning officer shall cause to be printed on the R.O. to see paper furnished to him a sufficient number of ballot papers, of ballots. not being less than the total number of voters in the electoral district.
- (7) The printer shall count the sheets of ballot paper R.O. to give receipt delivered to him and shall give a receipt therefor (Form 16) for ballot paper.

to the returning officer, and the returning officer shall transmit it with the other papers relating to the election to the Chief Election Officer.

Form of

(8) The names of the candidates, alphabetically arranged in the order of their surnames, shall be printed on the ballot paper (Form 17), and it shall be provided with a counterfoil and a stub, and there shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub.

Numbering ballot papers.

(9) The ballot papers shall be numbered consecutively on the back of the stubs and the counterfoils, the same number being printed or written on the stub as on the counterfoil and shall be bound or stitched in books containing 25, 50 or 100 ballot papers, as may be most suitable for supplying the polling subdivisions proportionately to the number of voters in each.

Uniformity.

(10) All ballot papers shall be of the same description and as nearly alike as possible.

Printer's name.

(11) The ballot papers shall bear upon the back the name of the printer who printed them.

Affidavit of printer.

(12) The printer shall make his affidavit (Form 18) and deliver it to the returning officer with the ballot papers. R.S.O. 1950, c. 112, s. 72,

Supply to

73. The returning officer shall furnish each deputy returning officer with a sufficient number of ballot papers to supply the voters on the polling list of his polling place or polling subdivision, and a certificate of the number of ballot papers with the necessary materials for voters to mark their ballot papers, and he shall when delivering the same make a record of the numbers on the ballot papers delivered to each deputy returning officer and this record shall be returned to the Chief Election Officer with the other documents required to be returned to him. R.S.O. 1950, c. 112, s. 73.

Copies of

74.—(1) The returning officer shall furnish each deputy directions (4.—(1) The returning officer shall furnish each deputy to voters for returning officer with at least three copies of the printed D.R.O. directions for the guidance of voters in voting (Form 3), and the deputy returning officer shall, before or at the opening of the poll on the day of polling, cause such printed directions to be posted up in conspicuous places outside of the polling place and in each compartment of the polling place.

Receipt to be given by D.R.O.

(2) The deputy returning officer shall count the ballot papers as soon as he receives them from the returning officer

and forward a receipt therefor (Form 19) to the returning officer. R.S.O. 1950, c. 112, s. 74.

75. The Chief Election Officer, before each general election Custody and at least once in every year, shall cause a check to be paper. made of all ballot paper furnished to him, and such paper shall be kept at all times under lock and key and no one shall have access to the place in which it is kept except the Chief Election Officer or some person acting directly under his authority. R.S.O. 1950, c. 112, s. 75.

PREPARATION OF POLLING LISTS BY CLERK OF THE PEACE

- 76.—(1) Every returning officer upon granting a poll shall Polling lists. forthwith obtain from the clerk of the peace a sufficient number of copies of the polling list for each polling subdivision in the electoral district to provide one copy for his own use, one copy for each of the deputy returning officers and six copies for each of the candidates at the election, and the polling list shall contain the names of all persons qualified to vote at the election in that polling subdivision and no other, and the returning officer shall immediately cause the polling lists and copies to be delivered to the deputy returning officers and candidates respectively. R.S.O. 1950, c. 112, s. 76 (1).
- (2) Except where the Chief Election Officer otherwise Idem. directs, the clerk of the peace shall cause the polling lists prepared by him to be printed on one side of the paper only, and the polling list for each polling subdivision shall contain in one list the names of all persons qualified to vote at the election in that polling subdivision arranged in the order of street numbers in every polling subdivision in which street numbering is in effect, and alphabetically in all other polling subdivisions. R.S.O. 1950, c. 112, s. 76 (2), amended.
- (3) Where a returning officer, instead of subdividing a Lists for polling subdivision, provides additional polling places, he polling shall obtain from the clerk of the peace as many polling lists places. as may be necessary for such additional polling places. R.S.O. 1950, c. 112, s. 76 (3).
- (4) Where the Chief Election Officer so directs, the clerk List to be prepared by of the peace shall prepare for revision by the revising officers the clerk of the peace. as provided in *The Voters' Lists Act*, 1951 a list containing the 1951, names of all persons entitled to vote at elections to the 0.93. Assembly in the polling subdivisions as shown in the first part of the voters' list, and notwithstanding anything in *The Voters' Lists Act*, 1951 the list so prepared shall be the list to be revised by the revising officers and shall be posted up and revised and certified in the same manner as lists prepared,

1951, c. 93.

revised and certified under *The Voters' Lists Act*, 1951. R.S.O. 1950, c. 112, s. 76 (4), amended.

List to be set up in type.

(5) To avoid expense to the municipalities concerned and to the Province, after the preparation of the list the Chief Election Officer may direct that it shall be typewritten, set up in type and the type kept standing until after the revision and the changes made upon revision incorporated in the list.

Polling lists.

(6) The lists as so prepared, revised and certified shall be the polling lists to be delivered to the deputy returning officers for use at the polling places. R.S.O. 1950, c. 112, s. 76 (5, 6).

Special directions.

(7) Where it appears to the Chief Election Officer that it is impracticable to carry out any of the provisions of subsections 1 to 6, he may cause such arrangements to be made for preparing the polling list as he may deem proper under the circumstances, and it shall be the duty of the clerk of the peace to carry out any directions or instructions given by the Chief Election Officer under this section, but nothing in this section shall authorize any name to be placed upon or omitted from the polling list which is not entered in the first part of the voters' list prepared by the clerk of the municipality except so far as may be necessary to give effect to the changes made upon the revision of the list by the revising officer. R.S.O. 1950, c. 112, s. 76 (7), amended.

Certificate on polling list.

77. The clerk of the peace, or in territory without municipal organization, the returning officer, shall add to each polling list a certificate that it contains the names of all persons appearing, according to the proper voters' list, to be entitled to vote at the election in that polling subdivision or at that polling place and no other names. R.S.O. 1950, c. 112, s. 77, amended.

POLL CLERKS

Appointment of poll clerks.

78.—(1) The deputy returning officer shall by a commission under his hand (Form 20) appoint a poll clerk to assist him in taking the poll, and the poll clerk before acting shall take and subscribe the oath (Form 21).

Penalty.

(2) Every person appointed poll clerk who refuses to accept the office, or who, after having accepted it, refuses or neglects either to take and subscribe the oath or to perform the duties of poll clerk, shall incur a penalty of \$40.

Poll clerk to be a voter.

(3) No person shall be appointed poll clerk who is not a voter in the local municipality wherein the polling place to which he is appointed is situate, or, in the case of territory

99

without municipal organization, who is not a voter in the electoral district. R.S.O. 1950, c. 112, s. 78.

1951

- **79.** The poll clerk shall assist the deputy returning officer Duties of in the performance of the duties of his office, and shall obey his orders. R.S.O. 1950, c. 112, s. 79.
- 80. If the deputy returning officer refuses or neglects to To act as D.R.O. perform the duties of his office, or from any cause becomes in certain unable to perform them, and if no other deputy returning cases. officer appointed by the returning officer appears at the polling place, the poll clerk, under the same penalties as are hereinbefore imposed in like cases on a deputy returning officer, shall act as deputy returning officer and perform all the duties and be subject to all the obligations of that office, without taking the oath of a deputy returning officer. R.S.O. 1950, c. 112, s. 80.
- 81. Where a poll clerk acts as deputy returning officer, he Appointmay appoint by a commission under his hand (Form 20) another pollication another person as poll clerk to assist him in the performance such cases. of the duties of his office, and may administer the oath to him, and such commission and oath shall be endorsed on or attached to the poll book. R.S.O. 1950, c. 112, s. 81.
- **82.** If a poll clerk refuses or neglects to perform the duties Appoint of his office or from any cause becomes unable to perform poll clerk them, the deputy returning officer may appoint another cases. person as poll clerk, and the commission and the oath shall be endorsed on or attached to the poll book. R.S.O. 1950, c. 112, s. 82.

CONSTABLES

83. The deputy returning officer may appoint a constable at polling to preserve order at his polling place, but such appointment place, shall not be made unless it has been authorized in writing by the returning officer or unless a breach of the peace or a violation of the law is threatened or anticipated. R.S.O. 1950, c. 112, s. 83.

WHERE VOTERS TO VOTE

84.—(1) Subject to section 85, if the name of a person voter to entitled to vote is entered on the polling list for more than division in one polling subdivision, he shall vote only at the polling place which he resides at the time of the polling, if entitled to vote in such subdivision. R.S.O. 1950, c. 112, s. 84 (1).

Penalty.

- (2) A person who votes in contravention of subsection 1 shall incur a penalty of \$200. R.S.O. 1950, c. 112, s. 84 (3).
- D.R.O., poll clerk and agents may vote at polling places where they are employed.
- **85.**—(1) The returning officer, on the request of a person entitled to vote who has been appointed a deputy returning officer or poll clerk or agent of any of the candidates at a polling place other than the one at which he is entitled to vote, shall give him a certificate (Form 22) that he is entitled to vote at the polling place at which he is stationed during the polling day, and the certificate shall bear the date upon which it is signed by the returning officer.

When certificate for that purpose may be given.

(2) The returning officer shall not give such a certificate until he has ascertained by reference to the polling list that the applicant is entitled to vote, and after giving the certificate he shall forthwith give notice in writing thereof to the deputy returning officer for the polling subdivision or polling place in which the applicant appears by the polling list to be entitled to vote, and the person to whom the certificate has been given shall not thereafter be entitled to vote in such polling subdivision or polling place.

Time of request.

(3) The returning officer shall not be required to give the certificate unless requested to do so at least two days before polling day.

Polling place to be designated.

(4) The certificate shall designate the polling place at which the person is to be permitted to vote.

R.O. to keep a list of persons obtaining certificates.

(5) The returning officer shall enter in a list the name, residence and occupation of every person to whom he gives a certificate under this section, the polling place at which the person is authorized to vote under the certificate, and the polling subdivision or polling place in or at which the person appears by the polling list to be entitled to vote, and state therein whether the certificate is granted to him as deputy returning officer, poll clerk or agent, and if as agent, the name of the candidate for whom he is agent, and the entry shall be made before the certificate is delivered.

Entry of refusal of certificate.

(6) The returning officer shall also enter in the list the name of every person applying for a certificate to whom it was refused with the ground of refusal, and, if the last-mentioned person claimed to be the agent of a candidate, the name of the candidate, and the list shall be open to inspection by any candidate or by his agent or by any voter.

Limitation on number of certificated agents.

(7) A returning officer shall not give certificates to more than two agents for the same candidate at one polling place and he shall not give a certificate under this section except upon the personal or written request of the applicant, and a returning officer who gives a certificate in contravention of this subsection shall incur a penalty of \$400. R.S.O. 1950, c. 112, s. 85.

- **86.**—(1) A person to whom a certificate is given under On production of section 85 shall on its production be entitled to vote at the certificate polling place designated therein, but the certificate shall not entitle him to vote there unless he has been actually engaged there as a deputy returning officer, poll clerk or agent during polling day, or entitle an agent to vote who is disqualified under section 16.
- (2) A person who receives a certificate, whether a deputy Person receiving a returning officer, poll clerk or agent, shall not vote until he certificate to take oath has taken one or other of the oaths of qualification, and any of qualification person violating this subsection shall incur a penalty of \$400, voting. and every vote cast in contravention of this subsection shall be void.
- (3) The oath shall be administered to a deputy returning Before whom officer by the poll clerk, and to a poll clerk or agent by the taken, deputy returning officer.
- (4) The deputy returning officer shall enter or cause to be Entry on entered in the column for remarks in the poll book (Form 5), persons votopposite the name, residence and occupation of every person, authority of including himself if he so votes, voting under the authority of a certificate, the words "Voted under Certificate".
- (5) A person voting under the authority of a certificate shall Certificate deliver it to the deputy returning officer before receiving his delivered by ballot paper.

 Certificate shall Certificate delivered by delivered by person voting.
- (6) The deputy returning officer shall enclose all such Preservation-certificates in one envelope. R.S.O. 1950, c. 112, s. 86.

THE POLL

- 87.—(1) Subject to subsection 2, the polls at every election Hours of to the Assembly shall open at 8 a.m. and shall remain open generally. until 7 p.m. of the same day and the voting shall be by ballot in the manner provided by this Act.
- (2) Where the board deems it desirable for the convenience When board of the voters that the polls should be opened in any munici-for earlier pality or electoral district at an earlier hour than 8 a.m., the board may direct the polls to be opened in such municipality or electoral district at any time earlier than 8 a.m., but not earlier than 6 a.m., as the board may deem expedient. R.S.O. 1950, c. 112, s. 87, amended.

ADVANCE POLLS

Advance polls.

88.—(1) The returning officer, with the approval of the board in each electoral district in which the necessity for such action arises, shall provide polls for the purpose of receiving the votes of voters who will be absent in the ordinary course of their business or employment from the electoral district on the day fixed for polling.

Time of poll.

(2) Polls for receiving the votes of such voters shall be held and kept open from 8 a.m. until 5 p.m. and from 7 p.m. until 10 p.m. on the Thursday, Friday and Saturday of the week preceding the week during which the poll is to be held, and if a holiday falls upon any of such days the poll shall be held on the Wednesday of the same week in lieu of such holiday.

Fixing of polling places.

(3) The returning officer shall, with the approval of the board, fix the polling places and appoint a deputy returning officer and poll clerk for each polling place.

Notice of polls.

(4) Notice of the times and places at which polls will be opened (Form 23) shall, prior to the day so fixed for holding the poll, be given by the returning officer by posting up notices at each of the polling places so appointed and in conspicuous places in the electoral district and, where possible, by advertisement in a newspaper published or circulated in the electoral district.

Declaration by voter.

(5) Every person offering himself as a voter at the polling place before being allowed to vote shall be required by the deputy returning officer to make the following declaration, which shall be kept by the deputy returning officer with the other records of the poll:

I, declare that I will be absented	ent
in the ordinary course of my business or employment from t	he
electoral district of where I a	
ordinarily resident on the day for holding the poll at the comi	ng
election.	
Dated at, this day of, 19	

(Signature of Voter)

Witness:

Deputy Returning Officer

Penalty.

(6) Any person signing any such declaration knowing that any statement therein is false shall incur a penalty of \$200.

Record of declaration.

(7) The poll clerk shall record in the poll book in the column headed "Remarks" after the name of each person who votes a note that he has made the declaration men-

103

tioned in subsection 5 and the number of the polling subdivision in which he is entered on the voters' list.

- (8) The ballot box shall not be opened after the opening Ballot of the poll until 7 p.m. on the general polling day, but on to be adjourning the poll each day the deputy returning officer opened. shall, and any candidate or agent present who desires to do so may, affix his seal to the ballot box in such manner that it cannot be opened or any ballot deposited in it without breaking such seal.
- (9) At the close of the poll each day the deputy returning List of officer shall forthwith make up and deliver or mail to the voting. returning officer a list of the names of all persons who have voted showing in each case the number of the polling subdivision in which the voter is entered on the voters' list, and the returning officer shall, at the request of any candidate, furnish him with a copy of such list.
- (10) Upon receiving from the deputy returning officer the Noting other list mentioned in subsection 9, the returning officer shall make deputy returning an entry in the voters' list to be supplied to each deputy officers' lists. returning officer on polling day opposite the name of each voter whose name appears on such list and whose vote has been received at an advance poll, showing that such voter has polled his vote.
- (11) On the general polling day the deputy returning Close of officer shall in the presence of such candidates and agents poll. as may be present at the hour fixed for the closing of the poll open the ballot boxes, count the votes and perform all other duties required of deputy returning officers by sections 113 to 120. R.S.O. 1950, c. 112, s. 88, amended.

MARINERS VOTING BY PROXY

- 89.—(1) Where the name of a person is entered on the Mariner's voters' list for a polling subdivision as entitled to vote at right to elections to the Assembly and he is a mariner, he shall be proxy. entitled to vote by proxy as provided in this section.
- (2) A mariner may appoint in writing (Form 24) a proxy Appoint. who shall be the wife, husband, parent, brother, sister or ment of proxy. child of the mariner, of the full age of twenty-one years and an elector entitled to vote in the electoral district in which the mariner is qualified to vote.
- (3) The appointment of a proxy shall name the person Term of authorized to vote at an election for which a writ has been appoint ment. issued for the electoral district and no appointment of a proxy

shall be valid unless it is made after the date of the issue of the writ of election nor shall it remain in force after the return of the writ.

Application of proxy to be entered on list.

on list.

(4) A person who has been appointed a voting proxy may apply to the revising officer at the sittings held for the revision of the lists in accordance with *The Voters' Lists Act*, 1951 in the municipality in which the mariner is entitled to vote, to be entered upon such list.

Evidence to be taken by revising officer.

(5) The revising officer shall take evidence on oath as to the right of the mariner to vote in the subdivision of the municipality upon the list of which his name is entered and as to the qualifications of the voting proxy, and if the revising officer finds that the mariner is duly qualified and that the voting proxy is qualified to act for the mariner, he shall give a certificate across the face of the appointment of the voting proxy to that effect (Form 25) and shall cause the name of the voting proxy to be entered on the voters' list after the name of the mariner.

Not more than one proxy.

(6) No more than one person shall be appointed a voting proxy on behalf of a mariner at any election.

Oath on voting.

(7) A ballot paper shall not be delivered to a person who claims to vote as a voting proxy unless he produces his appointment as a voting proxy to the deputy returning officer with the certificate of the revising officer thereon as provided in subsection 5 and takes the oath (Form 26).

Record of voting by proxy.

(8) The deputy returning officer shall record in the poll book the fact that the mariner voted by proxy, showing the name of the proxy, and shall file the proxy and certificate with the election papers and return them to the returning officer in the envelope provided for that purpose.

Forms and regulations.

(9) The Lieutenant-Governor in Council may prescribe any further or other forms that he deems necessary for the purposes of this section and may make regulations as to the mode in which proxies may be given and generally for the better carrying into effect of this section and preserving the secrecy of voting in pursuance thereof.

Proxy may vote in own right.

(10) A person who has been appointed as a voting proxy shall be entitled to vote in his own right in the electoral district notwithstanding that he has voted as a proxy for a mariner.

Offences.

- (11) Every person who,
 - (a) attempts to vote at an election otherwise than by means of such voting proxy while such voting proxy is in force; or

(b) votes or attempts to vote at any election under the authority of a voting proxy when he knows or has reasonable grounds for supposing that his appointment has been cancelled or that the voter who made the appointment is dead or is no longer entitled to vote.

shall be guilty of an illegal practice within the meaning of this Act and shall incur a penalty of \$200 and shall be imprisoned for six months. R.S.O. 1950, c. 112, s. 89.

VOTING BY BALLOT

90. The votes shall be given by ballot. R.S.O. 1950, Voting to be by ballot.

PROCEDURE AT POLL

- **91.**—(1) The deputy returning officer shall attend at the Attendance polling place at least fifteen minutes before the hour fixed for opening the poll.
- (2) During such fifteen minutes and before the opening of Counting the poll, the agents who are entitled to be present in the before polling place during polling hours shall be entitled to have the opening ballot papers intended for use thereat counted in their presence and to inspect the ballot papers and all other papers, forms and documents relating to the poll. R.S.O. 1950, c. 112, s. 91, amended.
- **92.** The deputy returning officer shall, before opening the Deputy to poll, show the ballot box to such persons as are present in the empty, and polling place so that they may see that it is empty, and he lock and shall then lock the box and place his seal upon it in such manner as to prevent its being opened without breaking the seal, and he shall then place and keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present, and shall keep the box so locked and sealed. R.S.O. 1950, c. 112, s. 92.
- **93.** Not more than one voter for each compartment shall One voter enter the room where the poll is held at any one time, and each each compartment. voter upon so entering shall declare his name, place of residence and occupation, which particulars shall be entered in the poll book by the poll clerk, a consecutive number being prefixed to the name. R.S.O. 1950, c. 112, s. 93.
- **94.** Subject to sections 86 and 95, the deputy returning Persons on officer shall not receive the vote of any person whose name is polling list to be allowed not entered on the polling list, but shall receive the vote of to vote on taking oath every person whose name is entered thereon, if such person, if required.

where required by a candidate or his agent, or by the deputy returning officer, takes the oath of qualification (Form 27 or 28) and the oath of allegiance (Form 29) or whichever is required to be taken. R.S.O. 1950, c. 112, s. 94.

Application of subss.

95.—(1) Subsections 2, 3 and 4 of this section apply to rural polling subdivisions and to any voter in any polling subdivision whose name was entered in the first part of the voters' list but has been inadvertently omitted from the Provincial polling list and who is otherwise qualified to vote under this Act.

Omission of name from polling vouched for.

(2) The deputy returning officer, if required by a person whose name is not on the polling list and who is vouched for by an elector whose name is on the polling list and who is resident in the polling subdivision, shall administer to such person an oath in the following form:

You swear that your name is (full name of applicant), that you reside at (give street number, lot, concession, etc.), and that your name as you believe has been omitted in error from the polling list. So help you God.

or, if such person claims that his name appears in the first part of the voters' list, an oath in the following form:

You swear that your name is (full name of applicant), that you reside at (give street number, lot, concession, etc.), that your name appears in the first part of the voters' list for the polling subdivision in which you reside, that your name as you believe has been omitted in error from the polling list, and that you are qualified to vote at this election. So help you God.

R.S.O. 1950, c. 112, s. 95 (1, 2), amended.

Voter to take oath.

(3) The deputy returning officer shall then administer to the applicant the oath of allegiance (Form 29) and the proper oath to be administered to voters (Form 27 or 28) (leaving out paragraph 1 in this oath), and shall cause the applicant's name to be added to the polling list with the word "Sworn" written thereafter.

Right to

(4) The applicant upon taking the oath and being vouched for shall be entitled to vote. R.S.O. 1950, c. 112, s. 95 (3, 4).

Administra tion of oath to D.R.O. voting at his polling place.

96. Where a deputy returning officer votes at the polling place at which he has been appointed to act, the poll clerk or in his absence the agent of a candidate authorized to be present may administer to him the oath to be taken by a voter. R.S.O. 1950, c. 112, s. 96.

D.R.O. to

97.—(1) If a deputy returning officer has reason to believe swear voter. that a person offering to vote is not a qualified voter or has already voted, or tenders his vote under a false name or designation or personates or represents himself falsely as being upon the polling list, the deputy returning officer shall administer the prescribed oath to the voter, whether he has been requested to do so or not.

- (2) Every deputy returning officer who acts in contraven-Penaltytion of this section shall incur a penalty of \$200. R.S.O. 1950, c. 112, s. 97.
- **98.** Every person who is entitled to vote shall receive D.R.O. to put initials from the deputy returning officer a ballot paper on the back on back of of which the deputy returning officer has previously put his and number initials so placed as indicated in Form 17 that when the foil. ballot is folded they can be seen without opening it, and on the back of the counterfoil of which he has placed a number corresponding to that placed opposite the voter's name in the poll book. R.S.O. 1950, c. 112, s. 98.
- **99.** The deputy returning officer shall, upon the request Instructions of the voter, instruct him how to mark and fold his ballot paper, but without inquiring or seeing for whom he intends to vote except in the cases provided for by section 100. R.S.O. 1950, c. 112, s. 99.
- 100.—(1) On the application of any voter who is unable Voter incapacitated by blindness or other physical by blindness,
 cause from voting in the manner prescribed by this Act, the
 deputy returning officer shall require the voter making the
 application to take an oath (Form 30) of his incapacity to
 vote without assistance, and shall thereafter assist the voter
 by marking his ballot in the manner directed by the voter
 in the presence of the agents of the candidates in the polling
 place and of no other person, and place the ballot in the
 ballot box.

(2) The deputy returning officer shall either deal with a blind voter's blind voter in the manner provided in subsection 1, or at the marked by request of any blind voter who has taken the oath (Form 30) and is accompanied by a friend, shall permit the friend to accompany the blind voter into the voting compartment and mark the voter's ballot for him.

- (3) Any friend who is permitted to mark the ballot of a Oath of blind voter under subsection 2 shall first be required to take an oath (Form 31) that he will keep secret the name of the candidate for whom the ballot of the blind voter is marked by him.
- (4) No person shall be allowed to act as the friend of as friend more than one blind voter at any polling place.

 May act as the friend of as friend once only

Entry in poll book.

(5) The deputy returning officer shall enter in the column for remarks in the poll book opposite the voter's name the reason why the ballot paper was marked by him or by a friend of the voter. R.S.O. 1950, c. 112, s. 100.

Voters who cannot speak English.

101.—(1) Where a voter does not understand the English language, the deputy returning officer may employ an interpreter to translate the oath as well as any lawful questions necessarily put to the voter and his answers, and the interpreter shall take the following oath:

I swear (or affirm) that I will faithfully translate the oaths, declarations, questions and answers that the deputy returning officer requires me to translate at this election. So help me God.

If no interpreter, no vote.

(2) If no interpreter is found or presents himself at the polling place, the voter shall not be allowed to vote. R.S.O. 1950, c. 112, s. 101.

Mode of marking, folding and depositing ballot paper. **102.** The voter on receiving his ballot paper shall forthwith proceed into one of the compartments of the polling place and there mark his ballot paper, making a cross with a pen or pencil within the white space containing the name of the candidate for whom he intends to vote and shall then fold the ballot paper so that the initials on the back of it and the number on the counterfoil can be seen without opening it, and hand it to the deputy returning officer, who shall, without unfolding it, ascertain by examining his initials, and the number on the counterfoil, that it is the same ballot paper that he furnished to the voter, and shall then, in full view of all present, including the voter, remove the counterfoil and tear up or otherwise destroy it and place the ballot paper in the ballot box. R.S.O. 1950, c. 112, s. 102, amended.

Entries to be made in poll book as to voters.

103. The poll clerk shall enter in the poll book opposite the name of each voter voting the word "Voted" as soon as the ballot paper has been deposited in the ballot box, and shall enter in the same book the word "Sworn" or "Affirmed" opposite the name of each voter to whom the oath has been administered, and the words "Refused to be sworn" or "Refused to affirm" opposite the name of each voter who has refused to take any oath when he has been required so to do. R.S.O. 1950, c. 112, s. 103.

Voter refusing to be sworn.

104.—(1) A person who has refused to take the oath when required so to do shall not receive a ballot paper or vote, and the vote of such person, if taken and received, shall be void.

Penalty.

(2) Every deputy returning officer who receives such vote or causes it to be received shall incur a penalty of \$200. R.S.O. 1950, c. 112, s. 104.

- 105. A voter shall vote without undue delay and shall leave as leave the polling place as soon as his ballot paper has been soon as possible. placed in the ballot box. R.S.O. 1950, c. 112, s. 105.
- **106.** While a voter is in a compartment for the purpose of Exclusion marking his ballot paper, no other person shall be allowed compartto enter the compartment or to be in a position from which ment. he can see for whom the voter marks his ballot paper. R.S.O. 1950, c. 112, s. 106.
- 107. A person who has received a ballot paper shall not to take his take it out of the polling place, and a person who receives a paper from ballot paper and leaves the polling place without delivering place, etc. it to the deputy returning officer, or returns his ballot paper declining to vote, shall forfeit his right to vote, and the deputy returning officer shall make an entry in the poll book in the column for remarks to the effect that the person received a ballot paper, but took it out of the polling place or returned it declining to vote, as the case may be, and in the latter case the deputy returning officer shall immediately write the word "Declined" upon the ballot paper and preserve it to be returned to the returning officer. R.S.O. 1950, c. 112, s. 107.

108.—(1) If a person representing himself to be a voter Voter who alleges he applies for a ballot paper after another person has voted as has been such voter, he shall be entitled to receive a ballot paper and to vote after taking the oath and otherwise establishing his identity to the satisfaction of the deputy returning officer,

- (2) The deputy returning officer shall put on the back of and number the ballot paper his initials and a number corresponding to to be put on back. the number entered on the poll book opposite the name of the voter.
- (3) The name of the voter shall be entered on the poll Name of voter, etc., book and a note shall be made of his having voted on a to be entered in second ballot paper and of the fact of the oath having been poll book. taken and of any objections made on behalf of any and of which of the candidates. R.S.O. 1950, c. 112, s. 108.
- 109. A voter who has inadvertently dealt with his ballot Where ballot paper in such a manner that it cannot be conveniently used paper accidentally shall, upon returning it to the deputy returning officer, be spoilt. entitled to obtain another ballot paper, and the deputy returning officer shall immediately write the word "Cancelled" upon the first-mentioned ballot paper and preserve it to be returned to the returning officer. R.S.O. 1950, c. 112, s. 109.
- 110. A person who applies for a ballot paper shall by so What shall doing be deemed to have tendered his vote or to have offered a tender of to vote, and a person who has placed or caused to be placed a vote and

his ballot paper in the ballot box, or has delivered it to the deputy returning officer or poll clerk for the purpose of having it placed in the ballot box, shall be deemed to have voted. R.S.O. 1950, c. 112, s. 110.

Who may be in polling place.

111. In addition to the deputy returning officer, the poll clerk, the constable or constables, the candidates and their agents, not exceeding two in number for each candidate, and no others shall be permitted to remain in the polling place during the time the poll remains open and at the counting of the votes. R.S.O. 1950, c. 112, s. 111 (1), amended.

Consecutive hours for voting.

112.—(1) Every employee who is a qualified voter shall, while the polls are open on a polling day at an Ontario election, have three consecutive hours for the purpose of casting his vote; and if the hours of his employment do not allow for three consecutive hours his employer shall allow him such additional time for voting as may be necessary to provide the three consecutive hours; no employer shall make any deduction from the pay of any such employee nor impose upon or exact from him any penalty by reason of absence from his work during such consecutive hours; the additional time for voting above referred to shall be granted at the convenience of the employer.

Penalty.

(2) Any employer who, directly or indirectly, refuses, or by intimidation, undue influence, or in any other way, interferes with the granting to any voter in his employ of the consecutive hours for voting, as in this section provided, is guilty of an offence against this Act punishable on summary conviction by a penalty of \$200 and an additional penalty of an amount equal to the amount of any deduction or reduction which he has made in contravention of this section. R.S.O. 1950, c. 112, s. 112, amended.

PROCEEDINGS AFTER CLOSE OF POLL

Duties of deputy returning officer after close of poll. 113. Immediately after the close of the poll the deputy returning officer shall place all the cancelled and declined ballot papers in separate envelopes and seal them up, and shall then count the number of voters whose names appear by the poll book to have voted and make an entry thereof on the line immediately below the name of the voter who voted last, thus: The number of voters who voted at this election in this polling place is (stating the number), and he shall sign his name thereto; then, in the presence and in full view of the persons entitled to be present, he shall open the ballot box

and proceed to count the number of votes for each candidate, giving full opportunity to those present to examine each ballot paper. R.S.O. 1950, c. 112, s. 113.

- 114. In counting the votes the deputy returning officer What ballot shall reject all ballot papers, herein called "rejected ballot be rejected in counting papers",
 - (a) which have not been supplied by him; or
 - (b) by which votes have been given for more than one candidate; or
 - (c) upon which there is any writing or mark by which the voter can be identified, other than the number placed thereon by the deputy returning officer in the case provided for by section 108,

but no word, letter or mark written or made or omitted to be written or made by the deputy returning officer on a ballot paper shall avoid the same or warrant its rejection. R.S.O. 1950, c. 112, s. 114.

- **115.**—(1) The deputy returning officer shall make a note objections of every objection taken to a ballot paper by a candidate or noted, his agent, and shall decide the objection subject to review on recount or on petition questioning the election or return.
- (2) Each objection shall be numbered and a corresponding and numnumber placed on the back of the ballot paper and initialled initialled. by the deputy returning officer. R.S.O. 1950, c. 112, s. 115.
- 116.—(1) All the ballot papers not rejected by the deputy How ballots returning officer shall be counted and an account of the number counted. of ballots cast for each candidate and of the number of rejected and cancelled ballot papers and all the ballot papers indicating the votes given for each candidate respectively shall be put into separate envelopes.
- (2) All rejected and unused ballot papers shall be put into Rejected and unused separate envelopes which shall be endorsed so as to indicate ballot their contents, and sealed by the deputy returning officer, and any agent present may write his signature across the flap of the envelope and may also affix his seal. R.S.O. 1950, c. 112, s. 116.
- 117.—(1) The deputy returning officer shall make out a Statement statement in triplicate (Form 32), one part to remain attached to be made to the poll book, another to be retained by him, and the third to be enclosed by him in a special envelope supplied for the purpose, which he shall seal and deposit in the ballot box.

Signatures to statement.

(2) The statement shall be signed forthwith by the deputy returning officer and poll clerk and such of the candidates or their agents as may be present who desire to sign it. R.S.O. 1950, c. 112, s. 117 (1, 2).

Certificate of result of poll.

(3) The deputy returning officer shall then deliver to each of the candidates, or to their agents, a certificate (Form 33) of the number of ballots cast for each candidate and of the number of rejected ballot papers. R.S.O. 1950, c. 112, s. 117 (3), amended.

Oath of poll clerk.

118. The poll clerk immediately after the completion of the counting of the votes shall take and subscribe the oath (Form 34). R.S.O. 1950, c. 112, s. 118.

Poll book, envelopes, etc., to be placed in large envelope in ballot box.

119. The poll book, the polling list, the envelopes containing the ballot papers, and all other documents which served at the election shall then be placed in the large envelope supplied for the purpose, which shall then be sealed and placed in the ballot box. R.S.O. 1950, c. 112, s. 119.

Ballot box to be delivered to R.O.

120.—(1) The deputy returning officer shall then lock and seal the ballot box and forthwith deliver it personally to the returning officer, and if he is unable to do so owing to illness or other imperative cause, he shall deliver it to the poll clerk, or where the poll clerk is unable to act, to some person chosen by the deputy returning officer for the purpose of delivering it to the returning officer, and shall thereon, or on a ticket attached thereto, write the name of the person to whom the box has been delivered, and shall take a receipt therefor, and the poll clerk or person so chosen shall forthwith personally deliver the ballot box to the returning officer and shall take before him the oath (Form 35). R.S.O. 1950, c. 112, s. 120 (1), amended.

Right of candidates, etc., to be present.

(2) The candidates or their agents shall be entitled to be present when the ballot box is delivered pursuant to subsection 1. *New*.

Ballot box may be forwarded by registered post. (3) In lieu of proceeding under subsection 1, after locking and sealing the ballot box the deputy returning officer may forward it by registered post to the returning officer.

Oath of D.R.O.

(4) As soon as the deputy returning officer has complied with subsection 1 or 2 he shall take and subscribe the oath (Form 36) and shall personally deliver or transmit it by registered post to the returning officer. R.S.O. 1950, c. 112, s. 120 (2, 3).

Duty of R.O. on receipt of boxes.

121. When the returning officer receives a ballot box he shall take every precaution for its safe keeping and for preventing any person other than himself and the election clerk from having access to it, and immediately on the receipt of a ballot box he shall seal it with his own seal in such a way that it cannot be opened without his seal being broken and

without effacing or covering the seals affixed to it. R.S.O. 1950, c. 112, s. 121.

- 122. The returning officer at the place, day and hour Count by appointed by his proclamation, and after having received declaration all the ballot boxes, shall open them and the large envelope of result. containing the poll books, but not any of the other sealed envelopes except the one containing the statement of the poll, and shall in the presence of the election clerk and of the candidates or their agents, if present, add up the votes given for each candidate from the statements of the poll contained in the ballot boxes, and shall forthwith declare to be elected the candidate having the largest number of votes. R.S.O. 1950, c. 112, s. 122.
- 123. If on the addition of the votes by the returning Casting officer an equal number of votes is found to have been cast for two or more candidates and an additional vote would entitle one of them to be declared elected, the returning officer shall give the additional or casting vote. R.S.O. 1950, c. 112, s. 123.

PROCEEDINGS IN CASE OF NON-RETURN OF BALLOT BOXES, ETC.

- 124. If all the ballot boxes are not returned on the day Adjournment of fixed for adding up the votes, the returning officer shall ad-proceedings journ the proceedings to a subsequent day, which shall not boxes not be more than a week later than the day originally fixed. R.S.O. 1950, c. 112, s. 124.
- 125. If a deputy returning officer has not enclosed in the Where deballot box the statement of the ballot papers counted by him by D.R.O. as required by this Act, or if for any other cause, the returning documents. officer cannot, at the day and hour appointed by him for adding up the votes, ascertain the number of votes given for each candidate, he may adjourn to a future day and hour the adding up of the votes, and so from time to time, such adjournment or adjournments not in the aggregate to exceed two weeks. R.S.O. 1950, c. 112, s. 125.
- 126. If any of the ballot boxes have been destroyed or Disappearlost, or, for any other reason, are not forthcoming by the time ballot boxes, fixed for adding up the votes, the returning officer shall duty of R.O. ascertain the cause and shall procure from each deputy returning officer whose ballot box is missing, or from any other person having them, the statements and certificates of the number of votes given for each candidate or copies of them, the whole to be verified by oath. R.S.O. 1950, c. 112, s. 126.
- 127. If the statements and certificates, or any of them, Procedure or copies of them, cannot be procured, the returning officer where lists, statements, shall ascertain by such evidence as he is able to obtain the etc., cannot be found.

total number of votes given for each candidate at the several polling places, and may summon any deputy returning officer, poll clerk or other person to appear before him at a time and place to be named by him, with all necessary papers and documents, of which time and place and of the intended proceedings the candidates shall have notice, and the returning officer may examine on oath such deputy returning officer, poll clerk or other person respecting the matter in question. R.S.O. 1950, c. 112, s. 127.

When D.R.O. has neglected to deliver statement of result.

128. In case of an adjournment by reason of any deputy returning officer not having placed in the ballot box a statement of the ballot papers counted by him, the returning officer shall, in the meantime, use all reasonable efforts to ascertain the number of votes given for each candidate at the polling place of the deputy returning officer and shall have the powers conferred by section 127. R.S.O. 1950, c. 112, s. 128.

Special report by R.O.

129. The returning officer shall return the candidate having the largest number of votes, and shall mention specially in a report to be sent with the return the circumstances accompanying the disappearance of the ballot boxes, or the want of any statement, and the mode by which he ascertained the number of votes given for each candidate. R.S.O. 1950, c. 112, s. 129.

RECOUNT OR FINAL ADDITION BY COUNTY JUDGE

Interpre-

130.—(1) In this section and in sections 131 to 143, "judge" means the judge of the county or district court, and where there are two or more judges, the senior judge, or in case of the illness or absence of the senior judge or where the senior judge requests him to act, a junior judge. R.S.O. 1950, c. 112, s. 130 (1).

Where recount may be

- (2) If within four days after the day on which the returning officer added the votes for the purpose of declaring a candidate elected, upon the application of a candidate or a voter, it is made to appear by affidavit to the judge of the county court of the county in which the electoral district or any part of it is situate,
 - (a) that a deputy returning officer has in counting the votes improperly counted any ballot paper, improperly rejected any ballot paper or made an incorrect statement of the number of ballots cast for any candidate; or
 - (b) that the returning officer has improperly added up the votes,

and if the applicant deposits within that time with the clerk of the county court the sum of \$100 in legal tender, postal note, money order or a cheque drawn upon and accepted by a chartered bank or trust company doing business in Ontario as security for the costs in connection with the recount or final addition of the candidate appearing by the addition to be elected, the judge may appoint a time and place to recount or finally add up the votes cast at the election. R.S.O. 1950, c. 112, s. 130 (2), amended.

- (3) Where the electoral district comprises parts of two or What judge more counties, the application shall be made to and the count when recount or final addition shall take place before the judge of district in remove counties. the county court of the county having the larger or largest counties. population according to the last Federal census. R.S.O. 1950, c. 112, s. 130 (3).
- 131. At least two days notice in writing of the time and Notice, of place appointed shall be given to the candidates, the return-place of recount. ing officer and the election clerk, and the judge may at the time of the application or afterwards, direct that service of the notice upon the candidates, the returning officer and the election clerk may be substitutional, or be made by mail, or in such other manner as he thinks fit. R.S.O. 1950, c. 112, s. 131.

- 132. The returning officer after the receipt of the notice R.O. to withhold shall delay making his return to the Chief Election Officer return. until he receives a certificate from the judge of the result of the recount or final addition, and upon receipt of the certificate he shall make his return. R.S.O. 1950, c. 112, s. 132.
- **133.** The judge may require the clerk of the county court Presence to be present at the time and place appointed. R.S.O. 1950, court clerk. c. 112, s. 133.
- 134.—(1) The returning officer and his election clerk Summoning officers shall attend at the time and place appointed with the en-to be velope containing the ballot papers or the original statements with docuof the poll, as the case may be.
- (2) The ballot papers and original statements shall con-Production tinue in the custody of the returning officer and he shall be of ballot responsible for them subject to any direction that the judge a recount. may give with respect thereto. R.S.O. 1950, c. 112, s. 134.
- 135. The returning officer and the election clerk shall be Who to be present at the recount or final addition, and each candidate at recount. shall be entitled to be represented by not more than two agents, and may himself be present, and except with the

sanction of the judge, no other person shall be present. R.S.O. 1950, c. 112, s. 135 (1, 3), amended.

Procedure by judge.

- 136. At the time and place appointed and in the presence of such of the persons mentioned in section 135 as are present, the judge shall make the final addition from the statements contained in the ballot boxes returned by the deputy returning officers, or recount all the votes or ballot papers returned by the deputy returning officers, as the case may be, and shall, in the latter case, open all the sealed envelopes containing,
 - (a) the used ballot papers that have been counted;
 - (b) the rejected ballot papers;
 - (c) the cancelled ballot papers;
 - (d) the declined ballot papers;
 - (e) the unused ballot papers.

R.S.O. 1950, c. 112, s. 136.

Recount to proceed continuously.

137.—(1) The judge shall, as far as practicable, proceed continuously, allowing only time for refreshment, and excluding, except so far as he and the persons present agree, the hours between 6 p.m. and 9 a.m.

Care of documents during recount.

(2) During such excluded time and time for refreshment the judge shall place the ballot papers and other documents relating to the election close under his own seal and the seals of such of the other persons present as desire to affix their seals, and shall otherwise take all necessary precautions for the security of such papers and documents. R.S.O. 1950, c. 112, s. 137.

Rules to govern judge in proceedings.

138. The judge shall, in the case of a recount, proceed according to the rules of the counting of the ballot papers at the close of the poll by the deputy returning officer, and shall verify and correct the statement of the poll (Form 32). R.S.O. 1950, c. 112, s. 138.

Sealing up ballots at close of recount. **139.**—(1) Upon the completion of the recount the judge shall seal up all the ballot papers in their separate envelopes, and upon the completion of the final addition he shall seal up the original statements in their respective envelopes.

Distinguishing disputed ballots. (2) If either party requests him to do so, the judge shall number on the back the disputed ballots and enclose them in a separate envelope. R.S.O. 1950, c. 112, s. 139.

- 140.—(1) The judge shall, if necessary or required, Reviewing review the decision of the returning officer with respect to of R.O. the number of votes given for a candidate at any polling box or place where the ballot box used was not forthcoming when missing. he made his decision, or when the proper statements or papers were not found therein.
- (2) For the purpose of arriving at the facts, the judge Powers shall have all the powers of the returning officer with regard to the attendance and examination of witnesses or he may act upon the evidence taken by the returning officer. R.S.O. 1950, c. 112, s. 140.
- **141.**—(1) The judge shall delay sending his certificate When judge to the returning officer for two days after the completion of certificate. the recount or final addition in order to allow of an appeal as provided in section 144.
- (2) If no notice of appeal is given to the judge within two When decdays after the completion of the recount or final addition, of result the judge shall certify forthwith the result to the returning to be given. officer who shall then declare the candidate having the largest number of votes to be elected.
- (3) In case of an equality of votes, the returning officer Casting shall give the casting vote. R.S.O. 1950, c. 112, s. 141.
- **142.**—(1) The costs of the recount or final addition shall ^{Costs}. be in the discretion of the judge who may order by whom, to whom, and in what manner they shall be paid.
- (2) The judge shall tax the costs and shall, as nearly as Taxing and may be, follow the tariff of costs with respect to proceedings costs. in the county court. R.S.O. 1950, c. 112, s. 142.
- 143. Where costs are directed to be paid by the applicant, Deposits the moneys deposited as security for costs shall be paid out of. to the party entitled thereto, so far as necessary, and if the deposit is insufficient, execution may issue out of the county court upon the judge's order for the balance. R.S.O. 1950, c. 112, s. 143.

APPEAL FROM DECISION ON RECOUNT OR FINAL ADDITION

144.—(1) If a party desires to appeal from the decision Appeal from of the judge who conducted the recount or final addition, decision of he may do so on giving notice in writing to the opposite party and to that judge of his intention to appeal within two days after the completion of the recount or final addition, and he may by the notice limit the appeal to specified ballots.

Service of notice of appeal.

(2) The notice may be served upon the opposite party personally or upon the solicitor who acted for him upon the recount or final addition personally or at his office, or as a judge of the Court of Appeal may direct.

Ballots, etc., to be forwarded to Registrar of Supreme Court. (3) Where the appeal is limited, the judge who conducted the recount or final addition shall seal up the ballots that are the subject of appeal in a separate packet and shall forward them together with the notice and a certificate showing his findings as to the ballots in dispute by registered post to the Registrar of the Supreme Court, but if the appeal is not limited, that judge shall forward all the ballot papers and other papers to the Registrar, and in either case he shall await the result of the appeal before sending his certificate to the returning officer.

Allowing copy of certificate of judge.

(4) The judge who conducted the recount or final addition shall upon request allow each party to make a copy of the certificate of his findings before it is forwarded to the Registrar.

Appointment for hearing of appeal.

(5) On receipt of the ballot papers and notice, the Registrar shall forthwith obtain an appointment from a judge of the Court of Appeal for hearing the appeal and shall notify the parties or their solicitors of the time so appointed.

When appeal may be heard.

(6) The time appointed for hearing the appeal shall not be more than four days from the date of the appointment.

Procedure on hearing of appeal; certificate of result.

(7) At the time appointed the judge of the Court of Appeal shall recount the ballot papers or such of them as are the subject of appeal or review the final addition, as the case may be, and shall forthwith certify his decision to the judge who conducted the recount or final addition, whose duty it shall be to conform to the decision and to certify the result without delay to the returning officer.

Costs of appeal.

(8) The judge of the Court of Appeal may direct by and to whom the costs of the appeal shall be paid. R.S.O. 1950, c. 112, s. 144.

ELECTION RETURN

When return to be made.

145.—(1) The returning officer shall immediately after the sixth day after the final addition by him of the number of votes given for each candidate, unless before that time he receives notice that he is required to attend before a judge for the purpose of a recount or final addition of the votes given at the election, and where there has been a recount or final addition, immediately after the receipt of the certificate of the result, transmit his return (Form 37) to the Chief Election Officer that the candidate having the largest number of votes has been duly elected, and shall forward to each of the candidates a duplicate or copy thereof.

119

(2) The returning officer shall accompany his return to the Report Chief Election Officer with a report of his proceedings in which he shall make any observations he thinks proper as to the state of the ballot boxes or ballot papers as received by him. R.S.O. 1950, c. 112, s. 145.

ELECTION

- 146.—(1) The returning officer shall at the same time R.O. to transmit to transmit to the Chief Election Officer, enclosed in a box or C.E.O other covering, securely locked, sealed with the seal of the papers, etc. returning officer, the writ, the list mentioned in subsection 5 of section 85, all the envelopes containing ballot papers in his possession, declarations of inability to read or to mark, poll books and all other documents sent to him by the deputy returning officers.
- (2) The returning officer shall endorse on the package a Endorsedescription of its contents, the date of the election to which thereon. they relate and the name of the electoral district for which the election was held, and shall affix to the outside of the package a label showing distinctly the electoral district to which the contents relate and the date of the election.
- (3) The packages shall be sent by express or by registered be sent. post.
- (4) An affidavit (Form 38) shall be made by the returning Oath of officer forthwith after transmitting his return, and it shall be transmitting transmitted forthwith by him to the Chief Election Officer return. by registered post.
- (5) The returning officer shall at the same time or within Return of ten days thereafter transmit to the Chief Election Officer material. in a box or other covering, securely locked and sealed with the seal of the returning officer, all the packages of ballot papers not distributed by him to the deputy returning officers, all ballot paper returned to him by the printer, all documents, papers, stationery and supplies in his possession, all receipts for paper given to him for ballot paper, and a record of all ballot paper supplied to him by the Chief Election Officer and a complete record of its disposal.

(6) The returning officer shall paste upon the box mentioned Endorsement on in subsection 5 a label with the words "Unused Election package. Material", the name of the electoral district and the date of the election written or printed thereon. R.S.O. 1950, c. 112, s. 146.

147.—(1) If a returning officer wilfully delays, neglects Application or refuses.

returning officer to add up votes. turn, etc.

(a) to add up the votes;

- (b) to declare to be elected the candidate having the largest number of votes;
- (c) to give his casting vote where he is by law required to do so; or
- (d) to make the return, as required by this Act, of the candidate having the largest number of votes,

the person aggrieved or any voter who voted at the election may apply to a judge of the Supreme Court for a mandamus commanding the returning officer to perform the duty that he is shown to have omitted.

Notice of application.

. (2) The notice shall be served upon the returning officer and upon the persons who were candidates at the election.

Application of Rev. Stat., c. 190 and rules.

(3) In other respects *The Judicature Act* and the rules made thereunder shall apply to such application.

Other rights and remedies.

(4) Nothing in this section shall affect or impair any other right or remedy of the person aggrieved. R.S.O. 1950, c. 112, s. 147.

Notice of return in Ontario Gazette.

148. The Chief Election Officer shall, on receiving the return of a member elected to the Assembly, give in the next ordinary issue of *The Ontario Gazette* notice of the receipt of the return, the date of such receipt and the name of the candidate elected. R.S.O. 1950, c. 112, s. 148.

CUSTODY OF ELECTION PAPERS

How long to be retained and when to be destroyed. 149.—(1) Subject to this Act, the Chief Election Officer shall retain in his possession the documents transmitted to him by the returning officer under section 146 for at least one year, and if the election is contested, then for one year after the termination of the contestation.

How to be kept by C.E.O.

(2) The Chief Election Officer shall keep all documents relating to a general election in a room or vault separate from that in which documents relating to by-elections are kept.

When documents not to be destroyed.

(3) If notice of the presentation of a petition is received by the Chief Election Officer or if an order is made directing that documents relating to an election are not to be destroyed, he shall affix to the outside of the box or covering containing such documents a label having thereon in large and distinct letters the words "NOT TO BE DESTROYED". R.S.O. 1950, c. 112, s. 149.

Chap. 21

Inspection of Documents, Ballot Papers, etc.

- 150. All documents forwarded by a returning officer in Inspection of other pursuance of this Act to the Chief Election Officer, other than documents. ballot papers, shall be opened to public inspection at such time and under such regulations as may be prescribed by him, and he shall supply copies of or extracts from the documents to any person demanding the same on payment at the rate of 10 cents for each 100 words, and in computing the number of words a figure shall be counted as a word. R.S.O. 1950, c. 112, s. 150, amended.
- 151.—(1) No person shall be allowed to inspect any ballot Inspection to be under paper in the custody of the Chief Election Officer except order of judge. under an order of a judge of the Supreme Court.
- (2) The order may be made on the judge being satisfied When Jorder by affidavit or other evidence on oath that the inspection granted. or production of the ballot paper is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of a petition questioning an election or return.
- (3) The order may be made subject to such conditions as Conditions of order. the judge may think proper.
- (4) Subject to the order, the inspection shall take place Where under the immediate supervision of the Registrar of the takes place. Supreme Court at his office in Osgoode Hall, and he shall be present during the inspection, and so long as the ballot papers are in the custody of the Registrar and not under inspection, they shall be kept in a secure place under lock and key. R.S.O. 1950, c. 112, s. 151.
- **152.** Where an order is made by a judge of the Supreme Evidence Court for the production by the Chief Election Officer of any documents, ballot document in his possession relating to an election, the pro-papers, etc., duction of it by him or his agent, in such manner as may be cases. directed by the order, shall be evidence that the document relates to the election, and any endorsement appearing on any envelope containing ballot papers so produced shall be evidence that the contents are what they are stated to be by the endorsement. R.S.O. 1950, c. 112, s. 152.
- 153.—(1) Notwithstanding anything in sections 150, Inspection 151 and 152, all documents, including used and unused documents under order ballot papers, relating to an election in the custody of the of Privileges and Election Officer or of any other person, may be opened, mittee inspected and examined under such conditions and regulations mittee.

as may be made by the Committee on Privileges and Elections of the Assembly for the purpose of inquiring into any matter referred to the Committee by order of the Assembly, and upon any such proceeding before the Committee any such document may be filed as an exhibit and any person summoned to attend and give evidence before the Committee upon such inquiry may be examined or cross-examined in relation thereto.

Compellability of witnesses.

(2) Upon such inquiry, no person shall be excusable as a witness on any ground of privilege or upon the ground that his answer may expose him to criminal proceedings or to any penalty that may be imposed under any statute of Ontario. R.S.O. 1950, c. 112, s. 153.

PRESERVATION OF THE PEACE

Powers of R.O. and D.R.O.

154. A returning officer and a deputy returning officer from the time he takes the oath of office until the day after the closing of the election shall have and may exercise the powers of a justice of the peace. R.S.O. 1950, c. 112, s. 154.

Assistance by justices and constables.

155. A returning officer or a deputy returning officer may require the assistance of justices of the peace, constables and other persons to aid him in maintaining peace and order at the election and may swear in as many constables as he may deem necessary. R.S.O. 1950, c. 112, s. 155.

Special constables.

156. On a requisition in writing made by a candidate or by his agent, a returning officer shall swear in as many special constables as may be necessary. R.S.O. 1950, c. 112, s. 156, amended.

Arrest and imprisonment on verbal

157. A returning officer or deputy returning officer may arrest, or by verbal order cause to be arrested and placed in the custody of a constable or other person, any person disturbing the peace and good order at the election, and may cause the person to be imprisoned under an order signed by him until an hour not later than the close of the nomination or of the poll, as the case may be. R.S.O. 1950, c. 112, s. 157.

SECRECY OF PROCEEDINGS

Maintaining

158.—(1) Every person in attendance at a polling place secrecy of proceedings. or at a counting of votes shall maintain and aid in maintaining the secrecy of the voting.

Interference with voters.

(2) No person shall interfere or attempt to interfere with a voter when the voter is marking his ballot paper,

123

or attempt to obtain at the polling place information as to the candidate for whom a voter is about to vote or has voted.

- (3) No person shall communicate any information obtained Communication of at a polling place as to the candidate for whom a voter at formation as to how a the polling place is about to vote or has voted. R.S.O. 1950, voter is voting. c. 112, s. 158.
- 159. No person shall directly or indirectly induce or Inducing attempt to induce a voter to show his ballot paper after he display ballot after has marked it so as to make known to any person the name ballot after marking. of the candidate for whom he has voted. R.S.O. 1950. c. 112. s. 159.
- 160. No person shall communicate at any time to any Communiperson any information as to the number on the back of the formation as ballot paper given to a voter at a polling place under section on back of 108, except to a court or judge lawfully requiring him to do so, ballot or attempting to ascertain at the counting of the votes the number on the back of any such ballot paper. R.S.O. 1950, c. 112, s. 160.
- **161.** Subject to section 100, a voter shall not show his Voter not ballot paper, when marked, to any person so as to allow the marked name of the candidate for whom he has voted to be known. R.S.O. 1950, c. 112, s. 161.
- 162. Every returning officer and every officer, clerk, Secretary, Oath of constable, agent and other person authorized to attend at a polling place, or at the counting of the votes, shall, before entering on his duties, take the oath of secrecy (Form 39). R.S.O. 1950, c. 112, s. 162.
- **163.**—(1) If a returning officer, election clerk, deputy Proceedings returning officer or poll clerk becomes aware or has reason to officers believe or suspect that any provision of the law as to secrecy violation has been violated, he shall communicate the particulars with of secrecy. all convenient speed to the Crown attorney.
- (2) The Crown attorney shall, on receiving such information Duty of from such officer or from any other person, forthwith inquire attorney thereon. into the case and if proper prosecute the offender. R.S.O. 1950, c. 112, s. 163.
- 164. A person who has voted shall not in any legal pro- No one compellable ceeding questioning the election or return be compelled to disclose his vote. state for whom he voted. R.S.O. 1950, c. 112, s. 164.

CORRUPT PRACTICES, ETC.

Bribery,

165.—(1) Every person who,

bribing voter or procuring bribery by money;

(a) directly or indirectly, himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure or to endeavour to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting, or corruptly does any such act on account of any voter having voted or refrained from voting at an election;

by gift or offer or promise of employment; (b) directly or indirectly, himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure or to endeavour to procure any office, place or employment to or for any voter, or to or for any other person in order to induce any voter to vote or refrain from voting, or corruptly does any such act on account of any voter having voted or refrained from voting at an election;

to induce anyone to procure return of candidate;

(c) directly or indirectly, himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement, to or for any person in order to induce such person to procure or endeavour to procure the return of any person to serve in the Assembly, or the vote of any voter at an election;

receiving bribe to procure return of candidate; (d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, or promises or endeavours to procure the return of any person to serve in the Assembly, or the vote of any voter at an election;

advancing money to be spent in corrupt practices; (e) advances or pays, or causes to be paid, money to or to the use of any other person, with the intent that such money or any part thereof shall be expended in corrupt practices at an election, or knowingly pays or causes to be paid money to any person in discharge or repayment of money wholly or in part expended in corrupt practices at an election;

applying for money or employment in consideration of voting;

(f) directly or indirectly, himself or by any other person on his behalf, on account of and as payment for voting or for his having voted, or for illegally agreeing

or having agreed to vote for any candidate at an election, or on account of and as payment for his having illegally assisted or agreed to assist any candidate at an election, applies to such candidate or to his agent for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration. or for any office, place or employment, or the promise of any office, place or employment;

- (g) before or during an election, directly or indirectly, receiving himself or by any other person on his behalf, receives, office, etc., for having agrees or contracts for any money, gift, loan or voted; valuable consideration, office, place or employment for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at an election:
- (h) after an election, directly or indirectly, himself or receiving by any other person on his behalf, receives any corruptly money or valuable consideration for having voted election; or refrained from voting, or for having induced any other person to vote or refrain from voting at an election:
- (i) in order to induce a person to allow himself to be giving or promising nominated as a candidate, or to refrain from becom-office to ing a candidate, or to withdraw if he has become a candidate to stand candidate, gives or procures any office, place or or withdraw; employment, or agrees to give or procure or offers or promises to procure, or endeavours to procure any office, place or employment for such person, or for any other person; or
- (j) in order to induce a person to withdraw from being a bribing candidate candidate at an election, directly or indirectly, gives to retire. or lends, or offers or promises or agrees to give or lend, any money or valuable consideration to such person, or any other person,

shall be guilty of bribery and shall incur a penalty of \$200 and shall also on conviction be imprisoned for a term of six months.

(2) The actual personal expenses of a candidate, his Saving as to personal reasonable expenses for actual professional services performed, expenses of candidates. bona fide payments for the fair cost of printing and advertising and other lawful and reasonable expenses in connection with the election, incurred by the candidate or any agent in good faith and without any corrupt intent, shall be deemed to be expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act.

Saving as to distribution of political literature.

(3) The distribution by a candidate or his agent of political pamphlets or other political literature, or the sending or causing to be sent to voters by a candidate or his agent of newspapers containing political articles, reports of political meetings or other matters of public interest during the election or for a reasonable time prior thereto shall not be deemed corrupt or illegal acts or a contravention of this Act. R.S.O. 1950, c. 112, s. 165.

Furnishing meat, drink, etc., forbidden except at residence of the person furnishing.

166.—(1) A candidate shall not, nor shall any other person, provide or furnish meat, drink, refreshment or provision at the expense of the candidate or other person at a meeting of voters assembled for the purpose of promoting the election, before or during the election, or pay or promise or engage to pay therefor; but nothing in this section shall extend to any meat, drink, refreshment or provision furnished to any such meeting of voters by or at the expense of any person at his usual place of residence, where the residence is a private house.

Penalty.

(2) Every person offending against this section shall be guilty of a corrupt practice and shall incur a penalty of \$100. R.S.O. 1950, c. 112, s. 166.

Treating.

167.—(1) Every candidate who corruptly, himself or by or with any person, or by any other way or means on his behalf, at any time, either before or during an election, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expense incurred for any meat, drink, refreshment or provision to or for any person, in order to be elected or for being elected, or for the purpose of corruptly influencing such person or any other person to vote or refrain from voting at an election, shall be guilty of a corrupt practice and shall incur a penalty of \$200 in addition to any other penalty to which he may be liable therefor.

Giving refreshments prima facie evidence of corrupt practice.

(2) The giving of meat, drink, refreshment or provision to voters extensively or generally by a candidate or by his agent, or the taking part therein by either of them, or giving the same wholly or partly at the expense of a candidate or his agent, shall *prima facie* be a corrupt practice within the meaning of this section.

Habit of treating not sufficient answer.

(3) It shall not be a sufficient answer to a charge of a corrupt practice under this section that the person charged had been in the habit of treating. R.S.O. 1950, c. 112, s. 167.

Candidate betting.

168.—(1) Every candidate who, before or during the election makes, or takes a share or interest in, or in any manner becomes a party to, a bet or wager upon the result of the election in the electoral district in any part thereof or

127

on any event or contingency relating to the election, shall be guilty of a corrupt practice.

- (2) Every candidate or other person who provides money Providing to be used by another in betting or wagering upon the result betting. of the election in the electoral district or in any part thereof. or on any event or contingency relating to the election, shall be guilty of a corrupt practice.
- (3) Every person who for the purpose of influencing an Other election makes a bet or wager on the result thereof in the electoral district or in any part thereof, or on any event or contingency relating thereto, shall be guilty of a corrupt practice. R.S.O. 1950, c. 112, s. 168,
- **169.**—(1) Every candidate who himself or by any other Hiring conveyances to carry person on his behalf and every other person who, voters to
 - (a) hires or promises to pay or pays for a conveyance to carry a voter to or near or from or on the way to or from a polling place; or
 - (b) pays the travelling or other expenses of a voter in going to or returning from a polling place,

and every person who for a valuable consideration provides or furnishes a conveyance knowing that it is to be used to carry a voter, other than the hirer, to or near or from or on the way to or from a polling place, shall be guilty of a corrupt practice and shall incur a penalty of \$100, and, if a voter, shall be disqualified from voting at the election; but this subsection shall not apply to the carrying of voters to the poll in the conveyance mentioned in paragraph 5 of subsection 2 of section 200.

(2) Every person who provides or furnishes transportation Furnishing transportafree of charge or at a diminished rate to a voter to or near or tion to from or on the way to or from a polling place, and whether passes or tickets or the like are or are not supplied, shall be guilty of a corrupt practice and shall incur a penalty of \$100, and, if a voter, shall be disqualified from voting at the election.

- (3) For the purpose of this section, "conveyance" includes Interpreautomobile, horse, team, carriage, cab, vehicle, boat and vessel.
- (4) Save as provided in subsection 1, nothing in this Act Use of private shall render it unlawful for any person to provide his own vehicle. private vehicles for the purpose of taking voters to and from the poll free of charge, R.S.O. 1950, c. 112, s. 169.

Providing refresh-ments on nomination day or polling day.

170. The giving or causing to be given to a voter on nomination day or on polling day, on account of his being about to vote or having voted, any meat, drink, refreshment or provision, or any money, ticket or order to enable him to procure the same, shall be a corrupt practice and the person so offending shall incur a penalty of \$10. R.S.O. 1950, c. 112, s. 170.

Undue influence.

171.—(1) Every person who, directly or indirectly, himself or by any other person on his behalf, uses or threatens to use force, violence or restraint, or inflicts or threatens to inflict injury, damage, harm or loss, or in any manner practices intimidation upon or against a voter in order to induce or compel him to vote or refrain from voting, or on account of his having voted or refrained from voting, or who, by abduction, duress, or false or fraudulent pretence, device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter, or thereby compels, induces or prevails upon a voter to vote or refrain from voting, shall be guilty of a corrupt practice and shall incur a penalty of \$200 and shall also upon conviction be imprisoned for one year.

Pretence that ballot is not secret.

(2) It shall be a false pretence within the meaning of this section to represent to a voter, directly or indirectly, that the ballot to be used, or the mode of voting at an election, is not secret. R.S.O. 1950, c. 112, s. 171.

Personation.

172.—(1) Every person who at an election applies for a ballot paper in the name of some other person whether that name be that of a person living or dead, or of a fictitious person, or who having voted applies at the same election for a ballet paper in his own name or who votes more than once at the same election, shall be guilty of the offence of personation.

Penalty.

(2) Every person who commits or who directly or indirectly aids or abets, counsels or procures the commission of the offence of personation shall be guilty of a corrupt practice and shall incur a penalty of \$400 and shall also on conviction be imprisoned for one year. R.S.O. 1950, c. 112. s. 172.

Procuring appointment as D.R.O. or poll clerk by fraud.

173. Every person who procures an appointment as deputy returning officer or poll clerk by false pretence, deceit or other improper means, or who acts as deputy returning officer without lawful authority, shall be guilty of a corrupt practice and shall incur a penalty of \$400 and shall also on conviction be imprisoned for one year. R.S.O. 1950, c. 112, s. 173.

129

- 174. Every person who knowingly appoints an election Appointing clerk, deputy returning officer or poll clerk who has at any election officers who time been found guilty by a competent tribunal of a corrupt have been practice or reported by an election court for a corrupt practice or reported by a co tice, shall be guilty of a corrupt practice and shall incur a practice. penalty of \$400. R.S.O. 1950, c. 112, s. 174.
- 175. Every person who votes knowing that he has no Voting by right to vote, and every person who induces or procures any not entitled other person to vote, knowing that the other person has no be a corrupt right to vote, shall be guilty of a corrupt practice and shall practice. incur a penalty of \$200. R.S.O. 1950, c. 112, s. 175.
- 176. Every person who before or during an election Publishing knowingly publishes a false statement of the withdrawal of a statement candidate at the election for the purpose of promoting or drawal of securing the election of another candidate, shall be guilty candidate. of a corrupt practice and shall incur a penalty of \$100, but the election of a candidate shall not be avoided by reason of a contravention of this section unless committed by him or by his agent. R.S.O. 1950, c. 112, s. 176.
- 177. If an election court determines and reports that a Corrupt practice has been committed by a candidate or by by candidate or by candidate or by candidate or by candidate or by candidate his agent, whether with or without the actual knowledge and agent to consent of the candidate, the election of the candidate shall, election. except in the case mentioned in section 178, be void. R.S.O. 1950, c. 112, s. 177.
- 178. If the election court determines that an agent of the When court finds candicandidate was guilty of a corrupt practice that would other-date not personally wise render the election void, and further finds,

guilty, then result not affected.

- (a) that no corrupt practice was committed at the election by the candidate personally, and that the corrupt practice of the agent was committed contrary to the order and without the sanction or connivance of the candidate:
- (b) that the candidate took all reasonable means for preventing the commission of corrupt practices at the election;
- (c) that the corrupt practice was of a trivial, unimportant and limited character; and
- (d) that in all other respects, so far as disclosed by the evidence, the election was free from any corrupt practice on the part of the candidate and his agent,

then the election of the candidate shall not, by reason of the corrupt practice, be void. R.S.O. 1950, c. 112, s. 178.

When disqualification incurred. **179.** No candidate or other person shall be disqualified or subject to any disability or penalty for a corrupt practice, except upon the judgment of an election court. R.S.O. 1950, c. 112, s. 179.

Candidate guilty of corrupt practice disqualified for 8 years. 180.—(1) Subject to subsection 2, where an election court determines and reports that a corrupt practice has been committed by or with the actual knowledge and consent of a candidate, then in addition to his election, if he has been elected, being void, the candidate, during the eight years next after the date of his being so found guilty, shall be incapable of being elected to and of sitting in the Assembly or any municipal council and of being entered on any voters' list or registered as a voter and of voting at an election, and of holding any office at the nomination of the Crown or of the Lieutenant-Governor or any municipal office.

Saving
where
corrupt
practice
committed
in excusable
ignorance.

(2) If the election court or one of the judges thereof finds that an act constituting in law a corrupt practice was committed by a candidate, or with his actual knowledge and consent, but without any corrupt intent, and in an ignorance that was involuntary and excusable, and that the evidence showed that the candidate honestly desired, and in good faith endeavoured as far as he could, to have the election conducted according to law, the candidate shall not be subject to the penalties and disabilities which he would otherwise incur under subsection 1. R.S.O. 1950, c. 112, s. 180.

Disqualification of persons other than candidates.

181.—(1) Every person other than a candidate found guilty of a corrupt practice in a proceeding in which, after notice of the charge, he has had an opportunity of being heard, or who upon his own evidence given on the trial of a petition has been found to have been guilty of a corrupt practice and has been reported therefor, unless the finding and report have been reversed or set aside on appeal under *The Controverted Elections Act* shall, during the eight years next after the date of his being found guilty, be subject to the penalties and disabilities mentioned in section 180.

Rev. Stat., c. 67.

- Exemptions. (2) No person shall be subject to the penalties and disabilities referred to in subsection 1 by reason of,
 - (a) a mere technical breach of law; or
 - (b) an act not being an intentional violation of law. R.S.O. 1950, c. 112, s. 181.

Appeal.

182. Where the judges who constitute the election court disagree as to a corrupt practice having been committed by a candidate or his agent, there may be an appeal as provided by *The Controverted Elections Act*, and if the Supreme Court

determines that a corrupt practice was committed, then unless the court is of the opinion that the case falls within section 178, the election shall be void, but the candidate shall not be disqualified. R.S.O. 1950, c. 112, s. 182.

183. If an election is set aside and a second election had, second the second election shall be deemed to be a new election and election held as shall not be avoided by reason of corrupt practices com-result of protest. mitted at the former election other than the personal acts of the candidate or of his agent done with his actual knowledge and consent, but the new election shall not be avoided for corrupt practices by the candidate at the former election or affecting the same which were not set up and proved at the trial and so adjudged by the election court as by law to involve the penalties and disabilities mentioned in section 180. R.S.O. 1950, c. 112, s. 183.

184. If on the trial of an election petition a candidate or Votes to his agent is proved to have committed a corrupt practice with off on respect to a voter, there shall be struck off from the number when of votes given for the candidate one yote for each voter in corrupt respect to whom the corrupt practice is proved to have been is proved. committed. R.S.O. 1950, c. 112, s. 184.

185. If on the trial of an election petition, a candidate is Election proved to have personally engaged a person as a canvasser of candidate or agent, knowing that he has, within the eight years pre-ing agent vious to the engagement, been found guilty by a competent previously found guilty tribunal of or reported by an election court for a corrupt of corrupt practice, the election of the candidate shall be void. R.S.O. 1950, c. 112, s. 185.

186. If, at any time after a person has become disqualified, Removal of the witnesses or any of them on whose testimony he has carion on proof that become disqualified are convicted of perjury in respect of disqualifisuch testimony, the Supreme Court, upon the motion of the procured by person disqualified and upon being satisfied that the disqualification was procured by reason of perjury, may order that the disqualification shall thereafter cease and determine. R.S.O. 1950, c. 112, s. 186.

187. Every executory contract, promise or undertaking, in Executory any way referring to, arising out of, or depending upon an arising election, even for the payment of lawful expenses, or the doing elections of a lawful act, shall be void. R.S.O. 1950, c. 112, s. 187.

188. No pecuniary penalty or forfeiture shall be recover- No statutory able for a corrupt practice if it appears that the person corrupt charged and another person or other persons were together where the guilty of the act charged, either as giver and receiver, or as party accomplices or otherwise, and that the person charged has first pro-

party jointly previously liable.

previously bona fide prosecuted the other person or persons or any of them for the corrupt practice; but this provision shall not apply if the court or judge before whom the person claiming the benefit thereof is charged certifies that it clearly appears that the person so charged took the first step towards the commission of the offence and that he was in fact the principal offender. R.S.O. 1950, c. 112, s. 188.

Returning officers, etc., wilfully falsifying or altering list of voters.

189. A returning officer, deputy returning officer or other person whose duty it is to deliver poll books or who has the custody of a certified list of voters or of a polling list or poll book, who wilfully makes any alteration or insertion in or omission from or in any way wilfully falsifies such certified list, polling list or poll book shall be guilty of a corrupt practice and shall incur a penalty of \$2,000 and shall also on conviction be imprisoned for one year. R.S.O. 1950, c. 112, s. 189.

Offences relating to ballot papers.

190. Every person who,

- (a) fraudulently alters, defaces or destroys a ballot paper or the initials of the deputy returning officer thereon;
- (b) without authority, supplies a ballot paper to any person;
- (c) fraudulently places in a ballot box a paper other than the ballot paper which he is authorized by law to place therein;
- (d) fraudulently delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot paper given to him by the deputy returning officer;
- (e) fraudulently takes a ballot paper out of the polling place;
- (f) without authority, destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers or a ballot paper or ballot in use or used for the purpose of an election;
- (g) being a deputy returning officer, fraudulently puts his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election:
- (h) with fraudulent intent, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election;

(i) being authorized by the returning officer to print the ballot papers for an election, with fraudulent intent prints more ballot papers than he is authorized to print: or

ELECTION

(i) attempts to commit any offence mentioned in this section.

shall be guilty of a corrupt practice and in the case of a returning officer, deputy returning officer or other officer engaged in the election, shall on conviction be liable to imprisonment for three years, and in the case of any other person, shall on conviction be liable to imprisonment for one year R.S.O. 1950, c. 112, s. 190.

191.—(1) Every person who wilfully and maliciously Persons destroys, injures or obliterates, or causes to be destroyed, destroying, injured or obliterate injured or obliterated, a writ of election, or a return to a ments relatwrit of election, or a poll book, voters' list, list of voters, elections, polling list, certificate or affidavit, or other document or etc. paper made, prepared or drawn according to or for the purpose of meeting the requirements of this Act or any of them, shall be guilty of a corrupt practice and shall incur a penalty of \$2,000 and shall also on conviction be imprisoned for one year.

133

- (2) Every person who aids, abets, counsels or procures the Abettors commission of a violation of subsection 1 shall be guilty of a punishable corrupt practice and shall incur a penalty of \$2,000 and shall also on conviction be imprisoned for one year. R.S.O. 1950, c. 112, s. 191.
- 192.—(1) Every deputy returning officer who wilfully Penalty for omits to put his initials on the back of a ballot paper in use omitting to for the purpose of an election shall incur a penalty of \$20 in ballots. respect of each such ballot paper.
- (2) Every deputy returning officer or poll clerk who refuses D.R.O. or or neglects to perform any of the duties imposed upon him neglecting by sections 113 to 120 shall, for each refusal or neglect, incur duties. a penalty of \$200. R.S.O. 1950, c. 112, s. 192.
- 193. Every deputy returning officer or poll clerk who wil-Wilful misfully miscounts the ballots or otherwise makes up a false counting ballots, etc. statement of the poll shall be guilty of a corrupt practice and shall incur a penalty of \$200. R.S.O. 1950, c. 112, s. 193.
- 194. Every person who acts in contravention of sections Penalty for 158, 159, 160 or 161 shall be liable on conviction to imprison-secrecy. ment for a term of not more than six months. R.S.O. 1950, c. 112, s. 194.

Penalty to persons aggrieved.

195. Every officer engaged in the election who is guilty of a wilful act or omission in contravention of this Act shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved thereby the sum of \$400. R.S.O. 1950, c. 112, s. 195.

How penalties recoverable.
Rev. Stat., c. 67.

- **196.** Subject to *The Controverted Elections Act*, and except as in this Act otherwise provided,
 - (a) all pecuniary penalties imposed by this Act for offences not declared to be corrupt practices, and for offences not punishable by imprisonment alone, or in addition to a pecuniary penalty or fine, shall be recoverable by anyone who sues for the same in any court of competent jurisdiction, and the court shall order that in default of payment of the amount which the offender is condemned to pay, within the period fixed by the court, he shall be imprisoned for a term in the discretion of the court not exceeding one year unless the penalty and costs are sooner paid;
 - (b) it shall be sufficient for the plaintiff in any such action to allege that the defendant is indebted to him in the sum claimed, and the particular offence for which the action is brought, and that the defendant had acted contrary to this Act;
 - (c) the action shall be commenced within four months next after the act committed, or the omission complained of, and not afterwards, and shall be tried by a judge without a jury. R.S.O. 1950, c. 112, s. 196.

Prosecutions for corrupt practices punishable by imprisonment

197. Prosecutions for penalties and punishments imposed by this Act for or in respect of corrupt practices and for offences for which imprisonment alone or in addition to a pecuniary penalty or fine is imposed shall be had and taken before an election court in the manner provided by *The Controverted Elections Act.* R.S.O. 1950, c. 112, s. 197.

Writ, etc., need not be produced at trial.

198. In any proceeding under sections 196 and 197, it shall not be necessary on the trial to produce the writ of election or the return thereto, or the authority of the returning officer founded upon the writ of election, but general evidence shall be sufficient. R.S.O. 1950, c. 112, s. 198.

ELECTION EXPENSES, FEES, ETC.

Appointment of official agent.

199.—(1) Every candidate shall appoint an official agent whose name and address shall be declared in writing to the returning officer on or before the nomination day.

(2) In the event of the death or incapacity of an official on death or incapacity agent the candidate shall forthwith appoint another official of an agent, agent in his place and give notice to the returning officer ment of of the name and address of the person appointed, which shall be published forthwith by the returning officer at the expense of the candidate in the manner provided by section 61. R.S.O. 1950, c. 112, s. 199.

200.—(1) No contribution, payment, loan, gift, advance Payments not to be or deposit of money or its equivalent in excess of \$50 shall be made except received by or on behalf of a candidate and no payment, official except with respect to the personal expenses of a candidate. agent. and no advance, loan or deposit shall be made by or on behalf of a candidate before, during or after the election, on account of the election, otherwise than through his official agent.

- (2) The expression "personal expenses" when used in this Interpresection includes the following expenses, and payment therefor may lawfully be made by the candidate personally:
 - 1. Reasonable and bona fide rent or hire of halls or other places used by the candidate personally in which to address public meetings of voters, and the expenses incurred in heating, lighting and cleaning the same.
 - 2. Reasonable and ordinary travelling and living expenses of the candidate.
 - 3. Reasonable and ordinary travelling and living expenses of one speaker for each meeting, who accompanies the candidate and travels with him for the purpose of speaking at a public meeting to be addressed by the candidate.
 - 4. Reasonable and ordinary charges for the hire of conveyances for the use of the candidate.
 - 5. Reasonable and ordinary charges for use by the candidate personally of not more than one conveyance on the polling day.
- (3) The onus of showing that the personal expenses paid Burden of proof. by the candidate were fair, reasonable and proper and not in excess of what is ordinarily paid for similar services and accommodation shall be upon the candidate.
- (4) The contracting for or the receipt of the ordinary and ordinary and reasonable charges. reasonable charges,

Receipt of when not to disqualify (a) voter.

- (a) by the owner or possessor of a hall or room in which to hold *bona fide* public meetings for the purposes of the election;
- (b) by a printer for printing voters' lists, election addresses or advertisements or notices of election meetings; or
- (c) by a regularly established livery-keeper for the hire of horses and vehicles used in connection with and for the proper purposes of the election and not for carrying voters otherwise than by the candidate as provided by paragraph 5 of subsection 2,

shall be lawful and shall not disqualify him from voting. R.S.O. 1950, c. 112, s. 200.

Claims on candidates.

201.—(1) Every person who has any claim against a candidate for or in respect of an election shall send it in within sixty days from the day of the declaration of the result of the election to the official agent of the candidate, otherwise he shall be barred of his right to recover it. R.S.O. 1950, c. 112, s. 201 (1), amended.

Case of death of person making claim.

(2) In case of the death within such period of the person having the claim, his legal representative shall send it in within one month after probate or administration has been obtained, otherwise the right to recover it shall be barred.

Case of death of agent.

(3) In case of the death of the official agent or of his incapacity to act and no other agent having been appointed, the claim may be sent in or delivered to the candidate.

Agent not to pay (4) No such claim shall be paid without the authority of without the candidate and the approval of the official agent. R.S.O. of candidate. 1950, c. 112, s. 201 (2-4).

Payment of accounts.

202.—(1) Notwithstanding anything in section 201, any claim that would have been payable if sent in within sixty days of the day of the declaration may be paid by the candidate through his official agent after that time if the claim is approved by a judge of the Supreme Court or by the judge of the county court of a county in which the electoral district or some part of it is situate. R.S.O. 1950, c. 112, s. 202 (1), amended.

Advertising claims.

(2) All claims allowed by a judge shall within one week thereafter be advertised by the returning officer at the expense of the candidate in the same newspapers in which the statement of the other election expenses was published. R.S.O. 1950, c. 112, s. 202 (2).

- 203.—(1) A detailed statement of all money or its equiva-Statement lent received as an election contribution, payment, loan, gift, expenses, advance or deposit and exceeding in amount or value \$50 sent by and a detailed statement of all election expenses incurred R.O. by or on behalf of a candidate, including payments in respect of his personal expenses, shall within two months after the election, or where, by reason of the death of the creditor, no claim has been sent in within such period of two months, then within one month after the claim has been sent in, be made out and signed by the official agent who has paid the same or by the candidate in case of payments made by him, and delivered, with the bills and vouchers relating thereto, to the returning officer.

- (2) The returning officer, within fourteen days after receiv-Abstract ing the statements, shall publish at the expense of the can-be published. didate an abstract thereof in a newspaper published or circulated in the electoral district.
- (3) Every agent or candidate who makes default in deliver- Penalty for default in ing the statements to the returning officer shall incur a penalty delivering not exceeding \$25 for every day during which he so makes default.
- (4) Every agent or candidate who wilfully furnishes an Penalty for untrue statement to the returning officer shall incur a penalty ment. of \$400. R.S.O. 1950, c. 112, s. 203.
- 204. The returning officer shall preserve all such state-R.O. to ments, bills and vouchers, and shall, during the six months bills, etc. next after they have been delivered to him, permit any voter inspection. to inspect them on payment of a fee of 25 cents. R.S.O. 1950, c. 112, s. 204.
- 205.—(1) The fees and expenses to be allowed to the Tariff of officers and other persons for their services and disbursements under this Act shall be fixed by the Lieutenant-Governor in Council.
- (2) The fees and expenses to be allowed to the returning Payment of officers, boards, and other officers and persons for services Act. performed under this Act shall, so far as the same are payable by the Province, be payable out of the Consolidated Revenue Fund.
- (3) For the purpose of providing funds for the payment of Accountable warrants. such fees and expenses, the Lieutenant-Governor in Council may direct that accountable warrants payable out of the Consolidated Revenue Fund be issued from time to time in favour of any officer or other person.

Accounts and audit.

(4) The sums paid out under subsection 1 shall be duly accounted for by the production of accounts and vouchers certified as provided by subsection 5, but it shall not be necessary that such accounts or vouchers shall be furnished by any person in whose favour an accountable warrant was issued before the issue of a further accountable warrant to the same person, unless the Lieutenant-Governor in Council otherwise directs.

Audit by Auditor of Criminal Justice Accounts.

(5) All accounts respecting such fees and expenses shall be audited by the Auditor of Criminal Justice Accounts and upon the production of his certificate as to any amount remaining unpaid upon an account the Treasurer of Ontario shall cause a cheque to be issued for the amount named in the certificate and the provincial Auditor shall countersign the same. R.S.O. 1950, c. 112, s. 205.

Rev. Stat., c. 112, repealed.

206. The Election Act is repealed.

Commencement. **207.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

208. This Act may be cited as The Election Act, 1951.

SCHEDULE

FORM 1

The Election Act, 1951 Section 19 (1)

Affidavit	OF	Perso	N	APPLY	ING	ТО	BE	ENTERED	ON	LIST
		AFTER	C	HANGE	OF	RE	SIDI	ENCE		

- I,..., of the..., make oath and say (or solemnly affirm):
- 1. That I am of the full age of 21 years (or I will be of the full age of 21 years on the.......day of....., being the date fixed for holding the poll at this election).
 - 2. That I am a British subject.
- 4. That I resided in (state municipality from which move took place) and was entered on the last revised voters' list for that municipality (or was entitled to be entered on the last revised voters' list for that municipality).
- 5. That had I continued to reside in that municipality I would have been entitled to be entered on the voters' list and to vote at this election therein.
- [Or, in the case of a person who has moved from one electoral district to another as a member of the family or household of a person who has so moved in the pursuit of his profession, occupation or calling,
- - 7. That I now reside in this municipality.
- 8. That I am not disqualified from voting at this election under *The Election Act*, 1951, or otherwise prohibited by law from voting or from being entered upon the list.
- 9. That I have not received anything nor has anything been promised to me, directly or indirectly, to induce me to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.
- 10. And that I have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election.

Sworn (or affirmed) before me	
the of	
tilis, 19.	

A Commissioner, etc. (See The Election Act, 1951, s. 9.)

A. B., Applicant

R.S.O. 1950, c. 112, Form 2.

The Election Act, 1951

Section 19 (2)

CERTIFICATE OF REVISING OFFICER OR JUDGE AS TO PERSON MOVING FROM ONE ELECTORAL DISTRICT TO ANOTHER

County of	To Wit:
do certify that	ed with me the affidavit required by sections having moved into the Electoral District of the control of the co
Dated thisday	of, 19

Revising Officer or Judge as the case may be

R.S.O. 1950, c. 112, Form 3.

141

ELECTION FORM 3

The Election Act. 1951 Sections 25 (2), 74 (1)

DIRECTIONS FOR THE GUIDANCE OF VOTERS

The voter shall vote for one candidate only,

The voter shall go into one of the compartments and place a cross within the white space containing the name of the candidate for whom he votes, thus X.

The voter shall then fold the ballot paper so that the initials on the back and the number on the counterfoil can be seen without opening it; he shall then return the ballot paper so folded to the deputy returning officer, who shall, in full view of those present including the voter, remove the counterfoil, destroy the same, and place the ballot paper in the ballot box; the voter shall then leave the polling place.

If a voter inadvertently spoils a ballot paper so that he cannot conveniently use it as he desires, he may return it to the deputy returning officer, who will give him another.

If a voter votes for more than one candidate, or places any mark on the ballot paper by which he can be identified, his vote will be void and will not be counted.

If a voter fraudulently takes a ballot paper out of the polling place, or fraudulently delivers to the deputy returning officer, to be placed in the ballot box, any other paper than the ballot paper given him by the deputy returning officer, he will be liable to imprisonment for one year.

In the following form of ballot paper, given for illustration, the candidates are Wm. R. Brown, Frank Hamon, and Joseph O'Neil, and the voter has marked his ballot paper in favour of Joseph O'Neil, and the counterfoil has been detached:

WM. R. BROWN of the City of Toronto, Barrister.

FRANK HAMON of the City of Toronto, Artist.

JOSEPH O'NEIL of the City of Toronto, Gentleman

The Election Act, 1951

Section 25 (1)

To be put up at all Polling Places

Notice as to Secrecy of Voting

It is the sworn duty of every person in attendance at this polling place, or at the counting of the votes, not to attempt to ascertain how any person is about to vote or has voted; and not to communicate any information obtained at the polling place that may enable or assist a person to ascertain how another person has voted.

It is also the sworn duty of every such person, by all proper means to maintain, and aid in maintaining, the absolute secrecy of the voting.

Any person who acts in contravention of his duty in any of these particulars is liable to imprisonment for a term not exceeding six months.

It is further provided by *The Election Act, 1951* that no person shall destroy, take, open or otherwise interfere with any ballot box or book or packet of ballot papers or a ballot paper or ballot in use for the purposes of the election, or attempt to do so; and that any returning officer, deputy returning officer or other officer engaged in the election who is guilty of any violation of that provision shall be liable to imprisonment for three years, and any other person guilty of such violation to imprisonment for one year (*Section 190*).

The Election Act, 1951 further provides that, in addition to every other penalty and liability, any officer engaged in the election who is guilty of any wilful act or omission in contravention of the Act shall forfeit to any person aggrieved thereby the sum of \$400 (Section 195).

A. B., Chief Election Officer

R.S.O. 1950, c. 112, Form 5.

FORM 5 The Election Act, 1951 Sections 26, 86 (4)

	REMARKS	B S O 1950 c 112 Form 6
	Marks indicating that Voter has voted	RSC
	Refused to swear or saffirm or to answer	
OK	Sworn or affirmed	
FORM OF POLL BOOK	Objections	
FORM O	Occupation	
	Place of Residence	
	NAMES OF VOTERS	
	Consecutive Number	

FORM

The Election Act, 1951

Sections 36, 47

OATH OF RETURNING OFFICER

I, A. B., Returning Officer for the Electoral District of, swear (or solemnly affirm) that I am legally qualified to act as Returning Officer for the said Electoral District, and that I will act faithfully in that capacity, without partiality, fear, favour or affection. So help me God.

A Commissioner, etc. (See The Election Act, 1951, s. 9.)

A. B., Returning Officer

R.S.O. 1950, c. 112,-Form 7.

FORM 7

The Election Act, 1951

Section 37 (1)

PROCLAMATION OF THE RETURNING OFFICER DECLARING THE TIME
AND PLACE FOR THE NOMINATION OF CANDIDATES
AND THE DAY FOR OPENING THE POLL

PROCLAMATION

Electoral District of.....

Of which all persons are hereby required to take notice and to govern themselves accordingly.

God Save the King.

Given under my hand at.....this.....day of

Returning Officer

R.S.O. 1950, c. 112, Form 8.

The Election Act, 1951

Section 43 (1)

COMMISSION OF ELECTION CLERK

To E. F. (set forth his residence and occupation)

Returning Officer

R.S.O. 1950, c. 112, Form 9.

FORM 9

The Election Act, 1951

Section 44

OATH OF ELECTION CLERK

I, E. F., appointed Election Clerk for the Electoral District of, swear (or solemnly affirm) that I am legally qualified to act as Election Clerk and that I will act faithfully in that capacity and also in that of Returning Officer, if I am required to act in that capacity, without partiality, fear, favour or affection. So help me God.

A Commissioner, etc. (See The Election Act, 1951, s. 9.)

E. F., Election Clerk

R.S.O. 1950, c. 112, Form 10.

The Election Act, 1951

Section 58 (1)

PROCLAMATION WHICH THE RETURNING OFFICER IS TO CAUSE TO BE READ ON NOMINATION DAY

Oyez! Oyez! Oyez!

All persons are commanded and strictly enjoined to keep silence while His Majesty's Writ for the present Election is publicly read.

God Save the King.

R.S.O. 1950, c. 112, Form 11.

FORM 11

The Election Act, 1951

Section 58 (2)

FORM OF NOMINATION PAPER

We, the undersigned, electors of the Electoral District of, hereby nominate (name, residence and addition or description of person nominated) as a candidate at the election about to be neld of a member to represent the said Electoral District in the Legislative Assembly. (Where the person nominated is absent from Ontario, add: The said, nominated in the foregoing nomination paper, is now absent from Ontario.)
Witness our hands at, in the said Electoral District, thisday of, 19
Signed by the said electors in the presence of
I, the said, nominated in the foregoing nomination paper, hereby consent to such nomination.
Witness my hand at, thisday of, 19
Signed by the said nominee in the presence of
4100
FORM 12
The Election Act, 1951
Section 62 (1)

Section 02(1)

WITHDRAWAL OF CANDIDATE

I, Electoral I	District of, a	candidate nominated for, hereby withdraw.	the
Dated a	atthis	.day of, 19	
	••••	Candidate	

Witness

R.S.O. 1950, c. 112, Form 13.

147

FORM 13

The Election Act. 1951

Section 65 (1)

Commission of Deputy Returning Officer

To G. H. (set forth his residence and occupation)

ballots, envelopes, polling list and other documents required by law, together with this Commission.

Given under my hand at.....this.....day of Returning Officer

R.S.O. 1950, c. 112, Form 14.

FORM 14

The Election Act. 1951

Section 66

OATH OF DEPUTY RETURNING OFFICER

I, G. H., appointed Deputy Returning Officer for Polling Place No. swear (or solemnly affirm) that I am legally qualified to act as Deputy Returning Officer and that I will act faithfully in that capacity without partiality, fear, favour or affection. So help me God.

Sworn (or affirmed) before me at

A Commissioner, etc. (See The Election Act, 1951, s. 9.) Deputy Returning Officer

R.S.O. 1950, c. 112, Form 15.

The Election Act, 1951

Section 72 (5)

RECEIPT	OF	RETURNING	OFF	ICER	FOR	BALLOT	PAPER	RECEIVED	FROM
		Сн	IEF	ELEC	CTION	OFFICE	ER		

I,, Returning Officer for the Electoral District of, do hereby acknowledge that I have this day received from the Chief Election Officer sheet of ballot paper, ballots to the sheet, total weight the same being for use at the vote to be taken on the day o, 19
Dated atthisday of, 19
Returning Officer
R.S.O. 1950, c. 112, Form 17

FORM 16

The Election Act, 1951

Section 72 (7)

RECEIPT OF PRINTER FOR BALLOT PAPER RECEIVED FROM RETURNING OFFICER

paper,b the Electoral District	eby acknowledge receipt of allots to the sheet, from the Ret of, the r use at the vote to be taken on t, 19	eturning Officer for same to be printed
Dated at	day	of , 19
		Printer

R.S.O. 1950, c. 112, Form 18.

The Election Act, 1951 Section 72 (8), 98

FORM OF BALLOT PAPER (Front)

The black line above the first name shall extend to the upper edge and the black line below the last name shall extend to the lower edge of the ballot paper, and all black lines shall be prolonged to the edge of the paper. The black margin to the left represents the counterfoil and the space to the left of the counterfoil represents the stub. There shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub.

WM. R. BROWN of the City of Toronto, Barrister. FRANK HAMON of the City of Toronto, Artist. JOSEPH O'NEIL of the City of Toronto, Gentleman. JOHN R. SMITH of the City of Toronto, Merchant.

FORM 17—Continued

FORM OF BALLOT PAPER

(Back)

No. 325.
POLL BOOK
No.

R.S.O. 1950, c. 112, Form 16.

The Election Act, 1951

Section 72 (12)

AFFIDAVIT OF PRINTER

- 2. That the attached form shows the description of the ballot papers printed by me as aforesaid.
- 3. That I supplied the Returning Officer with......of such ballot papers.
- 4. That I returned to the Returning Officer.....spoilt ballot papers and.....unused sheets of ballot papers.
- 5. That no other such ballot papers were printed by or supplied by me to anyone.

that they contain.....ballots.

(The Returning Officer will ensure that the copy of the ballot paper is attached.)

R.S.O. 1950, c. 112, Form 19.

FORM 19

The Election Act, 1951

Section 74 (2)

RECEIPT FOR BALLOT PAPERS RECEIVED FROM RETURNING OFFICER

(Count your ballots, fill in this Form and forward at once to Returning Officer)

ballot papers and have carefully examined and counted them and find

Deputy Returning Officer

R.S.O. 1950, c. 112, Form 20.

FORM

The Election Act, 1951

Sections 78 (1), 81

COMMISSION OF POLL CLERK

To J. C. (set forth his residence and occupation)

In my capacity of Deputy Rêturning Officer for Polling Place No....., of the Township (or as the case may be), I hereby appoint you to be Poll Clerk for the said Polling Place.

Given under my hand at......this.....day of

Deputy Returning Officer

R.S.O. 1950, c. 112, Form 22.

FORM 21

The Election Act, 1951

Section 78 (1)

OATH OF POLL CLERK

Sworn (or affirmed) before me at the this day of , 19 . . .

A Commissioner, etc. (See The Election Act, 1951, s. 9.)

J. C., Poll Clerk

R.S.O. 1950, c. 112, Form 21.

1951

FORM 22

The Election Act, 1951

Section 85 (1)

CERTIFICATE	of R	ETURNING (OFFICER	FOR	OUTSIDE	VOTERS
-------------	------	------------	---------	-----	---------	--------

I,, Returning Officer for the Electoral District of, at the request
of of the of Merchant (or as the case may be),
an elector of the said Electoral District, who has been appointed Deputy Returning Officer (or Poll Clerk, or Agent for
one of the Candidates at this election, as the case may be) for polling subdivision No, of the
(or as the case may be) in the said Electoral District do hereby certify that the said is entitled to vote at this election at the polling place for the said polling subdivision, being the polling place where he is to be stationed during the polling day.
poining place where he is to be stationed during the poining day.
Dated at thisday of, 19
Returning Officer
Note.—This certificate is not to be signed by the returning officer until the name, residence and occupation of the person to whom it is granted have been filled in.
R.S.O. 1950, c. 112, Form 23.

FORM 23

The Election Act, 1951

Section 88 (4)

Notice of Holding an Advance Poll

Notice is hereby given that pursuant to <i>The Election Act, 1951</i> (section 88) a poll for the Electoral District of will be open on, and, the,
and days of
The polling place for the said electoral district will be located at
The ballot box will be opened and the votes counted at o'clock in theof
Dated at, 19

Returning Officer

R.S.O. 1950, c. 112, Form 24.

The Election Act, 1951

Section 89 (2)

APPOINTMENT	OF F	ROXY
-------------	------	------

I,, of the of of the County of, being a voter entered on the voters list, with a right to vote at the pending election in the of in the Electoral District of, hereby nominate and appoint of as my true and lawfur (occupation) attorney for me and in my name to vote at the said Election:
accorney for the and in my hame to vote at the said Election;
And I hereby certify that I am a British subject, of the full age of 2 years, and otherwise entitled to vote at the said Election.
In witness whereof I have hereunto set my hand on board the steamship
Witness:

R.S.O. 1950, c. 112, Form 25.

FORM 25

The Election Act, 1951

Section 89 (5)

CERTIFICATE OF REVISING OFFICER

Dated this	d	ay of	 , 19.	• • • •
			 Revising	Officer

R.S.O. 1950, c. 112, Form 26.

The Election Act, 1951

Section 89 (7)

FORM OF OATH TO BE ADMINISTERED TO A PROXY VOTING FOR A MARINER

You swear (or solemnly affirm):

- 1. That you are the proxy for the mariner having the name of in the polling list now shown to you and that the said mariner signed the proxy.
 - 2. That the said mariner is of the full age of 21 years.
 - 3. That the said mariner is a British subject.
- 4. That the said mariner is not a citizen or subject of any foreign country.
- 5. That the said mariner has resided within Ontario for the 12 months last past, except for temporary absences as a mariner.
- 6. That the said mariner resided in the electoral district at the date of the issue of the writ of election and is now actually resident therein except for such temporary absences as a mariner.
- 7. That the said mariner is not disqualified from voting at this election and is entitled to vote at this election and at this polling place.
- 8. That you verily believe that the said mariner has not voted at this election.
- 9. That you verily believe that the said mariner has not received anything or has anything been promised him directly or indirectly to induce him to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.
- 10. That you verily believe that the said mariner has not directly or indirectly promised anything to any person to induce him to vote or refrain from voting at this election.
- 11. That you have not been paid or promised or received anything for or in connection with voting on behalf of the said mariner and that you verily believe that the said mariner executed the said proxy in good faith.
- 12. That you are voting on his behalf in good faith at this election. So help you God.

R.S.O. 1950, c. 112, Form 27.

The Election Act, 1951

Sections 94, 95 (3)

Form of Oath to be Administered to Voter Qualified under Section 18, Paragraph 1

You swear (or solemnly affirm):

- - 2. That you are of the full age of 21 years.
 - 3. That you are a British subject.
- 4. That you are not disqualified under *The Election Act*, 1951 or otherwise prohibited by law from voting.
 - 5. That you have been a resident of Ontario for the past 12 months.
- 6. That you were ordinarily resident in this electoral district at the date of the issue of the writ of election.

[or where the voter is the holder of a certificate under section 19,

- 6. That you are the person named in the certificate now produced by you and issued under section 19 of *The Election Act*, 1951 and have been since the issue of the said certificate and are now actually resident and domiciled in this electoral district.
 - 7. That you are entitled to vote at this election and at this polling place.
 - 8. That you have not voted at this election.
- 9. That you have not received anything nor has anything been promised you, directly or indirectly, to induce you to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.
- 10. That you have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election.

So help you God.

R.S.O. 1950, c. 112, Form 29, amended.

The Election Act, 1951

Sections 94, 95 (3)

Form of Oath to be Administered to Voter Qualified Under Section 18, Paragraph 2, and Marked "S.F." on Polling List

You swear (or solemnly affirm):

- - 2. That you are a British subject.
- 3. That you are not disqualified under *The Election Act*, 1951 or otherwise prohibited by law from voting.
- 4. That you served or are serving as a member of the Canadian Forces within the meaning of *The National Defence Act* (Canada) or of the armed forces of any part of the British Commonwealth or any ally thereof.
- 5. That you are an inmate or patient or employed and resident in a military hospital or institution for the reception, treatment or vocational training of persons who have so served or are so serving, or such hospital or institution for the blind or deaf or an eleemosynary institution situated in the electoral district, namely (naming the hospital, etc., in which the voter is a patient).
 - 6. That you have not voted at this election.
- 7. That you have not received anything nor has anything been promised to you directly or indirectly, to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.
- 8. That you have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election.

So help you God.

R.S.O. 1950, c. 112, Form 30, amended.

FORM 29

The Election Act, 1951

Sections 94, 95 (3)

FORM OF OATH OF ALLEGIANCE

I,, do swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth (or the reigning sovereign for the time being), his heirs and successors according to law. So help me God.

R.S.O. 1950, c. 112, Form 28, amended.

The Election Act, 1951

Section 100 (1, 2)

FORM OF OATH OF INABILITY TO READ

I, A. B., of, swear (or solemnly affirm) that I am unable to read [or that I am from physical incapacity unable to mark a ballot paper (as the case may be)].

A. B. (His X mark)

Deputy Returning Officer

R.S.O. 1950, c. 112, Form 31.

FORM 31

The Election Act, 1951

Section 100 (3)

OATH OF FRIEND OF BLIND VOTER

I,	of the
(insert name of friend)	
ofi	n the County of
, sw	
(occupation)	
keep secret the name of the candida	
, on	whose behalf I act. So help me God.
(name of blind voter)	
Sworn (or affirmed) before me at	
theof	C' I I
this, 19	Signature of friend

Deputy Returning Officer

R.S.O. 1950, c. 112, Form 32.

The Election Act, 1951

Sections 117 (1), 138

STATEMENT OF TH	E POLL A	AFTER CO	UNTING TE	HE BALLOTS
-----------------	----------	----------	-----------	------------

Polling Place No Electoral District of						
Number of ballot papers received from the returning officer. Number of ballots cast for						
We hereby certify that the above statement is correct. Dated at						

R.S.O. 1950, c. 112, Form 33.

The Election Act, 1951

Section 117 (3)

CERTIFICATE TO BE DELIVERED TO CANDIDATES

I, the undersigned, Deputy Ro No	, do hereby certify that, member to serve in the Legislative candidates received the number of
Names of Candidates	Number of Ballots

NAMES OF CANDIDATES	NUMBER OF BALLOTS
,	
	*
••••	

and also that.....ballot papers were rejected.

Dated at....., this......day of....., 19.....

G. H., Deputy Returning Officer

R.S.O. 1950, c. 112, Form 34.

FORM 34

The Election Act, 1951

Section 118

OATH OF THE POLL CLERK AFTER CLOSING OF THE POLL

I,, Poll Clerk for Polling Place No...................., swear (or solemnly affirm) that the poll book for the said polling place kept under the direction of G. H., who acted as Deputy Returning Officer, has been kept by me correctly to the best of my skill and judgment; that the total number of votes polled according to the said poll book is; and that to the best of my knowledge and belief it contains a true and exact record of the voters who voted at the said polling place.

A Commissioner, etc. (See The Election Act, 1951, s. 9.)

I. J., Poll Clerk

R.S.O. 1950, c. 112, Form 35.

1951

FORM 35

The Election Act, 1951

Section 120 (1)

OATH OF POLL CLERK OR MESSENGER WHERE THE DEPUTY RETURNING OFFICER IS UNABLE TO DELIVER THE BALLOT BOX TO THE RETURNING OFFICER

I,, swear (or solemnly affirm) that I am the person to whom, Deputy Returning Officer for Polling Place No... ... of the ... of entrusted the ballot box for the said polling place to be delivered to, the Returning Officer; that the ballot box which I delivered to the Returning Officer this day is the ballot box I so received; that I have not opened it and that it has not been opened by any other person since I received it from the Deputy Returning Officer. So help me God.

Sworn (or affirmed) before me at the ... of ... this ... day of ..., 19...

A Commissioner, etc. (See The Election Act, 1951, s. 9.)

R.S.O. 1950, c. 112, Form 36.

FORM 36

The Election Act, 1951

Section 120 (4)

OATH OF DEPUTY RETURNING OFFICER AFTER CLOSING OF THE POLL

Sworn (or affirmed) before me at the ... of ... this ... day of ... , 19...

A Commissioner, etc. (See The Election Act, 1951, s. 9.)

G. H., Deputy Returning Officer

R.S.O. 1950, c. 112, Form 37.

R.S.O. 1950, c. 112, Form 38.

FORM 37

Total number of printed	to D.R.O. Total number of ballot papers printed.	Remarks	Returning Officer for the Electoral District of
l of	Ballot papers taken from polling places		cer for th
isposed	Declined ballot papers		mg Off
Ballot papers sent out, and how disposed of in each polling place	Cancelled ballot		. Return
out, and polling	Rejected ballot		
ers sent in each	Unused ballot papers		
ot pape	Used ballot papers		
Ball	Number of ballot papers sent out to each polling place		
Polling	Number of names on the polling lists		
Voters at each Polling Place	Number of votes remaining unpolled		
es Voters at each	Total number of votes polled		
andidates r of votes r each			
nmes of can d number c polled for e	,		
Names of ca and number polled for			
31	Numbers of pollin		otals fajority for
	Electoral District		Totals Majori

The Election Act, 1951

Section 146 (4)

Affidavit to be Taken by Returning Officer After Transmitting His Return to the Chief Election Officer

- I,, Returning Officer for the Electoral District of, swear (or solemnly affirm):
- 1. That, of the packets received by me as such Returning Officer from the deputy returning officers in respect of the recent election for the said Electoral District, I have not opened or permitted to be opened, any of the envelopes containing the ballot papers.
- 2. That I have not opened or permitted to be opened any of the packets so received except those authorized and directed to be opened by a returning officer under *The Election Act*, 1951.
- 3. That none of the other packets were opened by any person since they were returned to me by the deputy returning officers (or in the case of a recount add, except by the judge of the county court, on a recount).
- 4. That I have not ascertained and have not attempted to ascertain from the ballot papers or other contents of any of the said packets how any person voted.
- 5. That I have this day transmitted to the Chief Election Officer my return in respect of the said election. So help me God.

Sworn	(or	affir	med)	before	me at
the	. of			this	
day of.			,	19	
A C	omi	nicci	oner	etc	

A Commissioner, etc. (See The Election Act, 1951, s. 9.)

Returning Officer

R.S.O. 1950, c. 112, Form 39.

The Election Act, 1951

Section 162

OATH OF SECRECY

I,			, swear	ir (or solemnly affirm)
----	--	--	---------	-------------------------

- 1. That I will not attempt to ascertain, and will by every means in my power prevent any other person from ascertaining how any person is about to vote or has voted at Polling Place No....... in the Electoral District of...., save and except as may be necessary and proper in the case of persons blind or unable to read, or incapable of marking their ballot papers as provided in *The Election Act*, 1951.
- 2. That I will not communicate to any person any information of any kind which may enable or assist any person to ascertain the candidate for whom any person has voted.
- 3. That I will in all respects maintain and aid in maintaining the absolute secrecy of the voting at this polling place. So help me God.

Sworn (or affirmed)	
theof	this
day of ,	19
A Commissioner, etc. (See The Election Act, 1951, s. 9.)	

R.S.O. 1950, c. 112, Form 40.

CHAPTER 22

An Act to amend The Escheats Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Escheats Act is amended by adding thereto the Rev. Stat., following section:

 c. 116, amended.
 - 2a. Notwithstanding section 2, where mining lands as Saving as to defined by The Mining Act have become forfeited lands. to the Crown, such mining lands shall be dealt with Rev. Stat., and disposed of as Crown lands in the manner of 236. provided in The Mining Act.
- 2. This Act may be cited as The Escheats Amendment Short title. Act, 1951.



An Act to amend The Factory, Shop and Office Building Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 83 of *The Factory*, *Shop and Office Building Act* Rev. Stat., is amended by adding thereto the following subsection:
 - (5a) If an application is presented to the council of a city, Closing of town or village praying for the passing of a by-law weekly holirequiring the closing of any class of shops situate day. within the municipality and the council is satisfied that the application is signed by not less than threequarters in number of the occupiers of shops within the municipality belonging to the class to which the application relates, the council may, within one month after the presentation of the application, pass a by-law giving effect thereto and requiring all shops within the municipality belonging to the class specified in the application to be closed and remain closed, during such periods of the year as are named in the application, on one particular day of the week during the whole of such day and until such time not later than five of the clock of the forenoon of the next following day, as the application requests.
- 2. This Act may be cited as The Factory, Shop and Office Short title. Building Amendment Act, 1951.

[Note.—A further amendment to The Factory, Shop and Office Building Act appears in section 46 of The Boilers and Pressure Vessels Act, 1951 at page 36 of this volume.]





An Act to promote Fair Employment Practices in Ontario

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HEREAS it is contrary to public policy in Ontario to Preamble. discriminate against men and women in respect of their employment because of race, creed, colour, nationality, ancestry or place of origin; whereas it is desirable to enact a measure designed to promote observance of this principle; and whereas to do so is in accord with the Universal Declaration of Human Rights as proclaimed by the United Nations;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation.

- (a) "Director" means Director of the Fair Employment Practices Branch of the Department of Labour;
- (b) "employment agency" includes a person who undertakes with or without compensation to procure employees for employers and a person who undertakes with or without compensation to procure employment for persons;
- (c) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees;
- (d) "Minister" means Minister of Labour;
- (e) "person", in addition to the extended meaning given it by *The Interpretation Act*, includes employment Rev. Stat., agency, employers' organization and trade union; o. 184.
- (f) "trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers.

Exceptions from application of Act.

- 2. This Act does not apply,
 - (a) to any domestic employed in a private home;
 - (b) to any exclusively religious, philanthropic, educational, fraternal or social organization that is not operated for private profit or to any organization that is operated primarily to foster the welfare of a religious or ethnic group and that is not operated for private profit;
 - (c) to any employer who employs less than five employees.

Employers not to discriminate in employment practices. 3. No employer or person acting on behalf of an employer shall refuse to employ or to continue to employ any person or discriminate against any person in regard to employment or any term or condition of employment because of his race, creed, colour, nationality, ancestry or place of origin.

Membership in trade union.

4. No trade union shall exclude from membership or expel or suspend any person or member or discriminate against any person or member because of race, creed, colour, nationality, ancestry or place of origin.

Employment applications and advertisements not to discriminate.

5. No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment or make any written or oral inquiry which expresses either directly or indirectly any limitation, specification or preference as to the race, creed, colour, nationality, ancestry or place of origin of any person.

Conciliation officer, appointment.

6.—(1) The Minister may on the recommendation of the Director designate a conciliation officer to inquire into the complaint of any person that he has been refused employment, discharged or discriminated against contrary to section 3, or that he has been excluded, expelled, suspended or discriminated against contrary to section 4, or that any person has used or circulated any form or published any advertisement or made any inquiry contrary to section 5.

Form of complaint.

(2) Every such complaint shall be in writing on the form prescribed by the Director and shall be mailed or delivered to him at his office.

Conciliation officer, duties;

(3) The conciliation officer shall forthwith after he is appointed inquire into the complaint and endeavour to effect a settlement of the matter complained of.

(4) The conciliation officer shall report the results of his report. inquiry and endeavours to the Director.

FAIR EMPLOYMENT PRACTICES

- 7.—(1) If the conciliation officer is unable to effect a settle-Commission, ment of the matter complained of, the Minister may, on the ment; recommendation of the Director, appoint a commission composed of one or more persons and shall forthwith communicate the names of the members to the parties and thereupon it shall be presumed conclusively that the commission was appointed in accordance with this Act, and no order shall be made or process entered or proceeding taken in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto or otherwise to question the appointment of the commission, or to review, prohibit or restrain any of its proceedings.
- (2) The commission shall have all the powers of a concilia-powers; tion board under section 26 of The Labour Relations Act.
- (3) The commission shall give the parties full opportunity duties. to present evidence and to make submissions and if it finds that the complaint is supported by the evidence it shall recommend to the Director the course that ought to be taken with respect to the complaint, which may include reinstatement with or without compensation for loss of earnings and other benefits.
- (4) If the commission is composed of more than one person, Majority the recommendations of the majority shall be the recom-recommendations to mendations of the commission.
- (5) After a commission has made its recommendations, the Clarifica-Director may direct it to clarify or amplify any of its recom-tion of recommenmendations and they shall not be deemed to have been dations. received by the Director until they have been so clarified or amplified.

- (6) The Minister on the recommendation of the Director Minister's may issue whatever order he deems necessary to carry the recommendations of the commission into effect and the order shall be final and shall be complied with in accordance with its terms.
- (7) Each member of a commission shall be remunerated Remunerafor his services at the same rate as the chairman of a conciliation board appointed under The Labour Relations Act.
- 8.—(1) Every person who fails to comply with any provi-Offences sion of this Act or with any order made under this Act is penalties. guilty of an offence and on summary conviction is liable.

- (a) if an individual, to a penalty of not more than \$50;
- (b) if a corporation, trade union, employers' organization or employment agency, to a penalty of not more than \$100.

Disposition of penalties.

(2) The penalties recovered for offences against this Act shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund.

Style of prosecutions.

9. A prosecution for an offence under this Act may be instituted against a trade union or employers' organization in the name of the union or organization, and any act or thing done or omitted by an officer, official or agent of a trade union or employers' organization within the scope of his authority to act on behalf of the union or organization shall be deemed to be an act or thing done or omitted by the union or organization.

Consent to prosecution.

10.—(1) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Minister on the recommendation of the Director.

Idem.

(2) The Director shall not make such a recommendation if he is satisfied that the act complained of was done in good faith solely for the purpose of preserving the security of Canada or any part thereof or of any state allied or associated with Canada in connection with any national emergency or any war, invasion or insurrection, real or apprehended.

Short title.

11. This Act may be cited as The Fair Employment Practices Act, 1951.

An Act to amend The Farm Products Marketing Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Clause e of section 1 of The Farm Products Marketing Rev. Stat., Act is amended by adding at the end thereof the words "except cl. e, where the buying is done by a central organization and the amended selling by retail is done through more than five outlets", so that the clause shall read as follows:
 - (e) "marketing" includes advertising, buying, financing, selling, transporting, shipping for sale or storage and offering for sale, but does not include buying and selling by retail except where the buying is done by a central organization and the selling by retail is done through more than five outlets.
- 2.—(1) Clause d of subsection 1 of section 3 of The Farm Rev. Stat., Products Marketing Act is amended by inserting after the subs. 1, cl. d, word "prices" in the third line the words "conditions and amended. form of contracts, terms of purchase and sale, and handling, storage and selling charges", so that the clause shall read as follows:
 - (d) to establish price negotiating agencies in connection with any scheme and adopt or determine minimum prices, conditions and form of contracts, terms of purchase and sale, and handling, storage and selling charges for any regulated product or any class, variety, grade or size of a regulated product.
- (2) Subsection 1 of the said section 3 is further amended by Rev. Stat., adding thereto the following clauses:

 Stat., and Rev. Stat., and state of the said section 3 is further amended by Rev. Stat., and state of the said section 3 is further amended by Rev. Stat., and state of the said section 3 is further amended by Rev. Stat., and state of the said section 3 is further amended by Rev. Stat., and state of the said section 3 is further amended by Rev. Stat., and state of the said section 3 is further amended by Rev. Stat., and state of the said section 3 is further amended by Rev. Stat., and state of the said section 3 is further amended by Rev. Stat., and state of the said section 3 is further amended by Rev. Stat., and state of the said section 3 is further amended by Rev. Stat., and state of the said section 3 is further amended by Rev. Stat., and state of the said section 3 is further amended by Rev. Stat., and state of the said section 3 is further amended.
 - (ff) to authorize any marketing agency appointed under a scheme to pool the payments to the members of the scheme received from the sale of any regulated

product,

product, provided that the members of the scheme engaged in the producing of the regulated product, by a two-thirds majority on a vote by signed ballot, have requested such authorization;

.

(ll) to regulate the times and places at which tobacco shall be marketed, to determine the quantity, grade and class of tobacco that shall be marketed by each grower and to prohibit the marketing of any grade or class of tobacco:

.

- (o) to exercise such powers and perform such duties as may be vested in or imposed upon it by or under any Act of the Parliament of Canada:
- (p) to co-operate with a marketing board or a local board of any other province for the purpose of marketing any regulated product.

Rev. Stat., c. 131. s. 4, subs. 2, amended.

3. Subsection 2 of section 4 of *The Farm Products Marketing Act* is amended by striking out the word "and" at the end of clause a and by adding thereto the following clauses:

Rev. Stat., c. 59.

- (c) give to any local board any or all of the powers set out in sections 23 and 24 of *The Companies Act*; and
- (d) dissolve a local board on such terms and conditions as he may deem proper,

so that the subsection shall read as follows:

Approval, amendment, etc., of schemes.

- (2) The Lieutenant-Governor in Council may,
 - (a) approve any scheme or any part thereof with such variations as he may deem proper and declare it to be in force in Ontario or any part thereof;
 - (b) amend any approved scheme as he may deem proper;

Rev. Stat., c. 59.

- (c) give to any local board any or all of the powers set out in sections 23 and 24 of *The Companies Act*; and
- (d) dissolve a local board on such terms and conditions as he may deem proper.

Rev. Stat., c. 131, s. 7, subs. 1, cl. g, Products Marketing Act is repealed.

Rev. Stat., 7 of The Farm repealed.

- 5. This Act shall come into force on the day it receives Commencement. the Royal Assent.
- 6. This Act may be cited as The Farm Products Marketing Short title. Amendment Act, 1951.



An Act to ensure Fair Remuneration to Female Employees

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act.

Interpre-

- (a) "Director" means Director of the Fair Employment Practices Branch of the Department of Labour;
- (b) "establishment" means a place of business or the place where an undertaking or a part thereof is carried on;
- (c) "Minister" means Minister of Labour;
- (d) "pay" means remuneration in any form.
- 2.—(1) No employer and no person acting on his behalf Equal pay shall discriminate between his male and female employees work. by paying a female employee at a rate of pay less than the rate of pay paid to a male employee employed by him for the same work done in the same establishment.
- (2) A difference in the rate of pay between a female and a Savingmale employee based on any factor other than sex shall not constitute a failure to comply with this section.
- 3.—(1) The Minister may on the recommendation of the Conciliation officer to inquire into the appointment complaint of any person that she has been discriminated ment. against contrary to section 2.
- (2) Every such complaint shall be in writing on the form Form of prescribed by the Director and shall be mailed or delivered to him at his office.

Conciliation officer, duties;

(3) The conciliation officer shall forthwith after he is appointed inquire into the complaint and endeavour to effect a settlement of the matter complained of.

report.

(4) The conciliation officer shall report the results of his inquiry and endeavours to the Director.

Commission, appointment:

• 4.—(1) If the conciliation officer is unable to effect a settlement of the matter complained of, the Minister may on the recommendation of the Director appoint a commission composed of one or more persons and shall forthwith communicate the names of the members of the commission to the parties and thereupon it shall be presumed conclusively that the commission was appointed in accordance with this Act, and no order shall be made or process entered or proceeding taken in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto or otherwise to question the appointment of the commission, or to review, prohibit or restrain any of its proceedings.

powers; Rev. Stat.,

(2) The commission shall have all the powers of a conciliation board under section 26 of *The Labour Relations Act*.

c. 194. duties;

(3) The commission shall give the parties full opportunity to present evidence and to make submissions and if it finds that the complaint is supported by the evidence it shall recommend to the Director the course that ought to be taken with respect to the complaint.

Majority recommendations to prevail.

(4) If the commission is composed of more than one person, the recommendations of the majority shall be the recommendations of the commission.

Clarification of recommendations.

(5) After a commission has made its recommendations, the Director may direct it to clarify or amplify any of its recommendations and they shall not be deemed to have been received by the Director until they have been so clarified or amplified.

Minister's order.

(6) The Minister on the recommendation of the Director may issue whatever order he deems necessary to carry the recommendations of the commission into effect, and the order shall be final and shall be complied with in accordance with its terms.

Remuneration.

(7) Each member of a commission shall be remunerated for his services at the same rate as a commissioner under *The Labour Relations Act*.

Offence and penalty.

5.—(1) Every person who fails to comply with any provision of this Act or with any order made under this Act

is guilty of an offence and on summary conviction is liable to a penalty of not more than \$100.

- (2) The penalties recovered for offences against this Act Disposishall be paid to the Treasurer of Ontario and shall form part penalties. of the Consolidated Revenue Fund.
- **6.** No prosecution for an offence under this Act shall be Consent to instituted except with the consent in writing of the Minister prosecution on the recommendation of the Director.
- 7.—(1) This Act shall come into force on the 1st day of Commence-January, 1952.
- (2) Nothing in this Act shall affect written contracts of Applicaemployment and collective bargaining agreements that were made before the 1st day of March, 1951, but if any such contract or agreement is in force on the 1st day of September, 1952, this Act shall apply thereto on and after that day.
- 8. This Act may be cited as The Female Employees Fair Short title. Remuneration Act. 1951.



An Act to amend The Fire Departments Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.**—(1) Clause c of subsection 1 of section 2 of *The Fire* Rev. Stat., *Departments Act* is amended by striking out the word "seventy- $\frac{c}{\text{subs. 1. cl. }c}$, two" in the third line and inserting in lieu thereof the word $\frac{amended}{amended}$. "fifty-six", so that the clause shall read as follows:
 - (c) any other system of platoons or hours of work Alternative under which the maximum hours of work or hours systems. on duty are not more than fifty-six hours on the average in any work week.
- (2) Subsection 3 of the said section 2 is amended by striking Rev. Stat., out the word "seventy-two" in the second line and inserting subs. 3, in lieu thereof the word "fifty-six", so that the subsection amended, shall read as follows:
 - (3) No full-time fire fighter shall be required to be on Maximum duty more than fifty-six hours on the average in duty. any work week.
- 2. This Act shall come into force on the 1st day of January, Commence-1952.
- 3. This Act may be cited as The Fire Departments Amend-short title. ment Act, 1951.



An Act to amend The Forest Fires Prevention Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 2 of section 12 of *The Forest Fires* Rev. Stat., *Prevention Act* is amended by striking out the words "shall subs. 2, state the location of the proposed operation or mill" in the amended third and fourth lines and inserting in lieu thereof the words "shall describe the lands upon which the proposed operation is to be carried on and shall state", so that the subsection shall read as follows:
 - (2) The application for such permit shall be in the Contents of prescribed form, and in addition to any other information required in the form shall describe the lands upon which the proposed operation is to be carried on and shall state the character thereof, the number of men to be employed, the location of camps and the probable duration of the operation.
- (2) Subsection 5 of the said section 12 is amended by Rev. Stat., striking out the words "may be limited as to duration and subs. 5, area" in the first line and inserting in lieu thereof the words amended. "shall describe the lands upon which the proposed operation is to be carried on and may be limited as to duration", so that the subsection shall read as follows:
 - (5) A work permit shall describe the lands upon which Contents the proposed operation is to be carried on and may permit. be limited as to duration, but in any event shall expire on the 31st day of March next following the date of its issue, and may contain such other terms and conditions as the issuing officer may deem necessary.
- 2.—(1) Subsection 1 of section 16 of *The Forest Fires* Rev. Stat... *Prevention Act* is amended by inserting after the word "refuse" subs. 1, amended.

in the sixth line the word "non-merchantable", so that the subsection shall read as follows:

Destruction of refuse, etc. on land being cleared.

(1) Every person clearing land for a right-of-way for any road, trail, tote-road, ditch or flume, or for any telephone, telegraph, power or pipe line, or clearing land to be flooded for water storage purposes, shall, subject to the provisions of this Act respecting fire permits, pile and burn on the land being cleared all refuse, non-merchantable timber, brush or other flammable material cut or accumulated thereon.

Rev. Stat., c. 144, s. 16, subs. 4, amended.

(2) Subsection 4 of the said section 16 is amended by striking out the words "using fuel other than oil and" in the second line, so that the subsection shall read as follows:

Area surrounding mills, etc., to be cleared.

(4) Every person having charge of a camp, mine, saw-mill, portable or stationary engine located within one-half mile of any forest or woodland shall have the area surrounding the camp, mine, sawmill or engine cleared of flammable material for a distance of at least 300 feet and such further distance as may in the opinion of an officer be required.

Short title.

3. This Act may be cited as The Forest Fires Prevention Amendment Act, 1951.

An Act to amend The Game and Fisheries Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Section 1 of *The Game and Fisheries Act* is amended by Rev. Stat., adding thereto the following clause:
 - (bb) "deer" includes wapiti.
- 2. Subsection 5 of section 6 of *The Game and Fisheries Act* Rev. Stat., is amended by striking out the words "anglers and hunters" subs. 5, in the first and second lines and inserting in lieu thereof the words "or catering to anglers or hunters", so that the subsection shall read as follows:
 - (5) An officer may inspect all camps occupied by or Inspection catering to anglers or hunters and may prescribe methods for sanitation and disposal of refuse and the extinguishing of fires.
- 3. Subsection 3 of section 11 of *The Game and Fisheries Act* Rev. Stat.. is amended by adding at the end thereof the words "or to subs. 3. the holder of a licence to trap fur-bearing animals", so that the subsection shall read as follows:
 - (3) Subsections 1 and 2 shall not apply to a farmer or Exceptions. his sons residing and hunting on his lands or to the holder of a licence to trap fur-bearing animals.
- **4.** Subsection 3 of section 17 of *The Game and Fisheries* Rev. Stat.. c. 153, s. 17, subs. 3, repealed.
- **5.** The Game and Fisheries Act is amended by adding Rev. Stat., thereto the following section:
 - 17a.—(1) Every person in possession or control of any Live game live game shall within ten days after coming into captivity. such possession or control apply in writing to the Minister for a permit to keep the same in captivity.

Issuance of permits.

(2) The Minister may issue permits under this section in such form and subject to such terms and conditions as he may in his discretion deem proper.

Refusal and cancellation of permits.

(3) The Minister may refuse to issue a permit under this section and may cancel any such permit at any time when it is shown to his satisfaction that the person to whom the permit was issued has failed to comply with the terms and conditions thereof.

Offences and penalties.

(4) Every person who fails to comply with subsection 1 or who keeps any live game in captivity after a permit therefor has been refused or cancelled shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$5 and not more than \$100, and in default of payment of the penalty shall be imprisoned for a term of not more than three months unless the penalty is sooner paid.

Seizure of animals, cages, etc.

(5) Any live game kept in captivity contrary to this section and any cage, pen, crate, shelter or other enclosure used in connection therewith may be seized, and upon conviction of the person in possession or control thereof, shall be forwarded to and become the property of the Crown in right of Ontario and may be disposed of in such manner as the Minister may direct.

Application of section.

(6) This section shall not apply where any live game is kept in captivity in any public zoo or for scientific or educational purposes in any public institution.

Rev. Stat., c. 153, s. 21, subs. 2, re-enacted.

6. Subsection 2 of section 21 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Interpretation. (2) In this section, "tourist outfitter's camp" means a fixed or moveable place of business on land or water at or from which accommodation, equipment, supplies or services are furnished to persons in connection with angling, hunting or camping.

Rev. Stat., c. 153, s. 29, amended.

7. Section 29 of *The Game and Fisheries Act* is amended by striking out the words "moose or wapiti" in the second line and inserting in lieu thereof the words "or moose", so that the section shall read as follows:

Open seasons.

29. No person shall hunt, kill or destroy, or attempt to hunt, kill or destroy any caribou, deer or moose, except during such times and under such terms and conditions and in such parts of Ontario as the Lieutenant-Governor in Council may prescribe.

8. Clause c of subsection 4 of section 30 of *The Game and* c and c subsection 4 of section 30 of *The Game and* c subsection 4 of section 4 o Fisheries Act is repealed.

9. Subsections 1 to 5 of section 31 of *The Game and Fisheries* Rev. Stat., ct are repealed and the following substituted therefor: subss. 1, 2, 3, re-enacted; Act are repealed and the following substituted therefor:

subss. 4, repealed.

(1) No resident shall during any one year or season take or kill more than one bull moose over one year moose and of age under a moose licence and one deer under a deer residents resident deer licence, but this subsection shall not may take. apply to deer which are the private property of any resident and which are killed or taken by him or by his direction or with his consent upon his own land under section 41.

- (2) No non-resident shall during any one year or season Number of take or kill more than one bull moose over one year moose and of age or one deer. may take.
- (3) Notwithstanding subsection 1, a hunting party of Number of four or more residents holding one or more camp may be taken licences may take or kill one deer for each camp licence. licence held by the party.
- **10.**—(1) Subsection 5 of section 32 of *The Game and* Rev. Stat., *Fisheries Act* is amended by inserting after the word "Fron-subs. 5. tenac" in the eighth line the words "and in the township of amended. Longford in the county of Victoria", so that the subsection shall read as follows:
 - (5) No person shall use snares for any purpose in the Snares county of Bruce, Carleton, Dundas, Durham, Fron-in certain tenac, Glengarry, Grenville, Grey, Halton, Hastings. areas. Lanark, Leeds, Lennox and Addington, Northumberland, Ontario, Oxford, Peel, Peterborough, Prescott, Prince Edward, Russell, Stormont, Victoria, Waterloo or York, provided that snares may be used for the taking of wolves in the townships of Canonto and Palmerston in the county of Frontenac and in the township of Longford in the county of Victoria from the 1st day of December to the 30th day of April.

- (2) Subsection 6 of the said section 32 is repealed and the Rev. Stat., c. 153, s. 32, subs. 6, d. 153, s. 32. following substituted therefor:
 - (6) No person shall use snares for any purpose during Snares in the open season for deer and moose in any part of open season. Ontario, except in the districts of Cochrane, Rainy River, Kenora and Thunder Bay and such other parts of Ontario as the Lieutenant-Governor in Council may prescribe.

1951

Rev. Stat., c. 153, s. 43, amended.

11. Section 43 of *The Game and Fisheries Act* is amended by striking out the words "caribou or wapiti" in the second line and inserting in lieu thereof the words "or caribou", so that the section shall read as follows:

Purchase or sale of game.

43. No person shall sell or purchase any bird mentioned in section 37, or any deer, moose or caribou, or expose any of them on any commercial premises, and no restaurant, camp, boarding-house, hotel or club shall mention on a bill of fare or serve any of them, but any person may propagate, buy or sell any pheasant or quail under a licence issued on such terms and conditions as the Lieutenant-Governor in Council may prescribe.

Rev. Stat., c. 153, s. 46, amended.

- **12.** Section 46 of *The Game and Fisheries Act* is amended by adding thereto the following clause:
 - (aa) have any air-gun, gun, rifle or fire-arm in his possession, unless it is unloaded and encased or it is dismantled, between one-half hour after sunset on Saturday and one-half hour before sunrise on Monday next following, except as may be provided by the regulations.

Rev. Stat., c. 153, s. 73, subs. 1, re-enacted.

13. Subsection 1 of section 73 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Prosecu-

(1) Where an offence against this Act has been committed near or on a boundary line between two counties or between two districts or between a county and a district, the prosecution may be brought and heard in either of them.

Rev. Stat., c. 153, s. 75, subs. 1, cl. a, amended.

- 14. Clause a of subsection 1 of section 75 of *The Game and Fisheries Act* is amended by striking out the words "caribou or wapiti" in the first line and inserting in lieu thereof the words "or caribou" and by striking out the words "or wapiti" in the second line of subclause iii, so that the clause shall read as follows:
 - (a) deer, moose or caribou shall be liable to a penalty,
 - (i) of not less than \$200 and not more than \$500 for each caribou or female moose the subject of the prosecution,
 - (ii) of not less than \$100 and not more than \$300 for each male moose the subject of the prosecution, or

- (iii) of not less than \$50 and not more than \$200 for each deer the subject of the prosecution.
- **15.** Clause d of section 77 of *The Game and Fisheries Act* $_{\text{c. 153, s. 77,}}^{\text{Rev. Stat.,}}$ is repealed and the following substituted therefor:

 cl. d, reenacted.
 - (d) prescribing the terms and conditions upon which licences may be issued to persons under sixteen years of age.
- **16.** This Act shall come into force on the day it receives Commencethe Royal Assent.
- 17. This Act may be cited as The Game and Fisheries Short title. Amendment Act, 1951.



Chap. 30

CHAPTER 30

An Act respecting Gas Pipe Lines

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-

- (a) "Board" means Ontario Municipal Board;
- (b) "gas" means any natural or manufactured gas or any mixture thereof;
- (c) "land" includes any interest in land;
- (d) "line" means a pipe line for the transmission of gas including any works appurtenant thereto, and includes a branch line.
- 2.—(1) A corporation having authority to acquire, process, Certificate transmit, transport, sell or otherwise dispose of, or distribute convenience gas, that proposes to establish a line may apply to the Board sity. for a certificate of public convenience and necessity in respect thereof.
- (2) With the application, the corporation shall file a map Map to showing the proposed route of the line, the terminals, and all municipalities, railways and navigable waters through, upon, under, over or across which the proposed line will pass.
- (3) No certificate of public convenience and necessity Public shall be granted or refused until the Board has held a public hearing to deal with the matter.
- (4) The applicant shall give notice of the application and Notice, of the time and place fixed by the Board for the hearing to such persons and in such manner as the Board may direct.
- (5) Where the Board grants a certificate, it may impose Terms in such terms and conditions as it considers proper.

Powers of corporation.

- **3.** Upon the granting of a certificate of public convenience and necessity, the corporation may,
 - (a) enter into or upon any land lying in the intended route of the line, and make surveys, examinations or other arrangements on such land for fixing the site of the line, and set out and ascertain such parts of the land as are necessary for the purposes of the line:
 - (b) acquire by purchase, lease, expropriation or otherwise, and hold of and from any person any land or other property necessary for the construction, maintenance and operation of the line and construct, lay, carry or place its line upon, under or over any such land; and
 - (c) do all such acts as may be necessary in order to exercise the powers conferred by clauses a and b.

Expropriation, plans and descriptions to be deposited.

- **4.**—(1) Where a corporation has been granted a certificate of public convenience and necessity and desires to exercise its power to acquire land by expropriation under this Act, it may, with the approval of the Board, deposit in the proper registry or land titles office,
 - (a) a copy of the certificate of public convenience and necessity attested by the secretary of the Board; and
 - (b) a plan and description of the land attested by the seal of the corporation under the hands of its proper officers in that behalf, and signed by an Ontario land surveyor,

and thereupon the land shall vest in the corporation.

When land temporarily required, etc.

(2) Where the land is required for a limited time only, or only a limited estate, right or interest therein is required, the plan and description so deposited shall indicate, by appropriate words written or printed thereon, that the land is taken for such limited time only, or that only such limited estate, right or interest therein is taken, and by the deposit in such case, the right of possession for such limited time, or such limited estate, right or interest, shall vest in the corporation.

Correction of errors.

(3) In case of any omission, misstatement or erroneous description in any plan or description, a correct plan and description may be deposited with like effect.

Chap. 30

- 5.—(1) The corporation shall make to the owner of land Compensation acquired by expropriation under this Act due compensation for any damages necessarily resulting from the exercise of such power.
- (2) No action or other proceeding shall lie in respect of Manner of determinasuch compensation and failing agreement between the cor-tion of amount. poration and the owner the amount thereof shall be determined in the manner provided in this section.
- (3) The Lieutenant-Governor in Council may appoint a Appointment judge of a county or district court as arbitrator to determine arbitrator. in a summary manner the amount of such compensation.
- (4) The arbitrator, subject to the approval of the Lieu-Procedure tenant-Governor in Council, may make such rules of procedure as to costs and as to the enforcement of awards as he deems expedient.
- (5) An appeal shall lie to the Board from the award of the Appeal. arbitrator under this section.
- (6) Notice of an appeal to the Board under subsection 5 appeal. Shall be sent by registered mail by the party appealing to the secretary of the Board and to the other party within fourteen days after the making of the award.
 - (7) The hearing of the appeal shall be a hearing de novo. Nature of appeal.
 - **6.** Where a corporation requires at any time to enter, Right of entry for repairs, etc.
 - (a) upon any land for the purposes mentioned in clause a of section 3; or
 - (b) upon any land along the route of a line established under this Act, for the purpose of maintaining, repairing, renewing or removing it or part of it,

the corporation shall have the right to do so without the consent of the owner of the land so entered, and compensation for any damages necessarily resulting from the exercise of such right, if not agreed upon by the corporation and the owner, shall be determined in the manner prescribed by section 5.

7.—(1) Without any other leave and notwithstanding Highways, any other Act, the line may, if leave therefor is first obtained etc. from the Board, be constructed upon, under or over any highway, any municipal drainage ditch, any railway, any telegraph, telephone or electric power line, or any pipe line.

Plans, etc., to be submitted to Board.

(2) Upon an application for such leave, the corporation shall submit to the Board such plans and profiles and other information as the Board may require.

Board's power.

(3) The Board may grant the application in whole or in part and may impose such terms and conditions as it considers proper.

Where Board may permit construction without leave.

(4) The Board may by order, on such terms and conditions as it considers proper, provide that its leave is not necessary for the construction of the line upon, under or over any of the works mentioned in subsection 1 or any class thereof, if the line is constructed in the manner approved by the Board for construction upon, under or over that type of works.

Board's decision final.

8.—(1) The decision of the Board on any application to it under this Act or on an appeal under subsection 5 of section 5 shall be final and conclusive.

Proceedings before Board. Rev. Stat., c. 262.

(2) The Ontario Municipal Board Act applies to proceedings taken before the Board under this Act.

Powers under Act supplemental. **9.** The powers that may be conferred upon a corporation under this Act shall not be in derogation of but shall be in addition to all powers it may otherwise possess.

Short title.

10. This Act may be cited as The Gas Pipe Lines Act, 1951.

An Act to provide for Uniformity of Assessment in Greater Toronto

Assented to April 5th, 1951. Session Prorogued April 5th, 1951

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act.

Interpretation.

- (a) "area municipality" means the municipality and corporation of the Township of East York, the Township of Etobicoke, the Village of Forest Hill, the Town of Leaside, the Village of Long Branch, the Town of Mimico, the Town of New Toronto, the Township of North York, the Township of Scarborough, the Village of Swansea, the City of Toronto, the Town of Weston or the Township of York;
- (b) "Board" means Greater Toronto Assessment Board constituted under this Act.
- 2.—(1) There shall be a board to be known as the Greater Board Toronto Assessment Board which shall consist of three members to be appointed by the Lieutenant-Governor in Council and who shall hold office during the pleasure of the Lieutenant-Governor in Council.
- (2) The Lieutenant-Governor in Council may designate Chairman one of the members as chairman and one as vice-chairman of chairman. the Board.
- (3) When the office of the chairman is vacant or in the Absence of absence of the chairman, the vice-chairman shall act in his chairman. stead.
- (4) The Lieutenant-Governor in Council may fill any Vacancies. vacancy that may occur in the membership of the Board.
- (5) Any order, instruction, direction, notice or other Signing of document signed by the chairman of the Board shall be deemed to be signed by the Board.

Objects and powers of Board.

3. The objects of the Board shall be, and it shall have power,

Rev. Stat., c. 24.

- (a) to value in accordance with *The Assessment Act* all land, as defined in that Act, in each area municipality; and
- (b) if a proclamation is issued under section 11, to direct and control the making of assessments and the preparation of assessment rolls in each area municipality designated in the proclamation.

Information for Board.

4.—(1) The council and every officer and servant of every area municipality, upon request, shall furnish to the Board any information it may require to carry out the purposes of this Act.

Inspection of records, etc.

(2) The council and every officer and servant of every area municipality shall permit the Board or any person on its behalf to inspect and have access to all books, records and other documents relating in any manner to the preparation of an assessment roll in the municipality.

Assistance by municipal assessors, etc.

5.—(1) Every area municipality shall place the services of its assessment commissioner and assessors and of the staff of its assessment department at the disposal of the Board to assist the Board in its valuation in any area municipality.

Assistance by Board to municipalities.

(2) Where the Board requires assistance from a municipality under subsection 1 to an extent that interferes with the proper carrying out of the duties of the assessment department, the Board shall supply from its staff such assistance as may be necessary for the proper carrying out of such duties.

Right of access.

6. The members of the Board and any employee of the Board authorized by it shall have the same right of access and the same right to require the furnishing of information and the completion of questionnaires as is conferred on an assessment commissioner and assessor under *The Assessment Act*.

Office accommodation, etc.

7.—(1) The Lieutenant-Governor in Council shall provide suitable office accommodation for the Board and its staff, and all necessary furnishings, stationery and equipment for the establishment, conduct and maintenance thereof and for the performance of the duties of the Board.

Idem'.

(2) Every area municipality shall provide adequate office space and filing equipment for the purposes of the valuation by the Board in the municipality.

- **8.**—(1) The salaries or other remuneration of the members Remuneration of the Board shall be fixed by the Lieutenant-Governor in members. Council.
- (2) The Board, with the approval of the Minister of Muni-Staff. cipal Affairs, may appoint such officers, clerks and servants as may be necessary for its purposes and may, with the like approval, fix their salaries.
- **9.** The salaries or other remuneration of the members of ^{Salaries and} the Board and its staff and all expenses of the Board shall be paid out of the Consolidated Revenue Fund.
- **10.**—(1) The Board shall from time to time report to the Progress Lieutenant-Governor in Council on the progress of its work.
- (2) Upon the completion of the valuations in all the area Report on municipalities, the Board shall make a complete report thereon to the Lieutenant-Governor in Council.
- (3) The reports of the Board shall be made available to the Publicationarea municipalities and to the County of York.
- 11. The Lieutenant-Governor, by proclamation made on Proclamator before the 15th day of December in any year, may declare that the assessment shall be made and the assessment roll prepared in the following year in any area municipality designated in the proclamation under the direction and control of the Board, and upon such proclamation sections 12 to 22 shall apply in each area municipality so designated.
- 12. Where in the area municipality a by-law is in force Business providing for taking the assessment of business separately assessment from the time for taking the assessment of real property and for taking the same during the year in which the rates of taxation thereon are to be levied, the business assessment roll shall be prepared under the direction and control of the Board.
- **13.** In the year following such proclamation, the county County assessor of the County of York shall have no jurisdiction in the area municipality in relation to the making of assessments and the preparation of the assessment rolls of that municipality pursuant to sections 11 and 12, or in relation to appeals therefrom.
- 14.—(1) In the year following such proclamation, the Board Board. shall have all the powers of an assessment commissioner in the area municipality and the assessment commissioner and assessors in the area municipality shall be subject to the instruction and direction of the Board.

Idem.

(2) The Board shall, with respect to the area municipality and its assessment commissioner and assessors, have control and charge over the exercise by any of them of any of their powers and over the performance by them of any of their duties and obligations with respect to the making of assessments and the preparation of the assessment rolls for the area municipality.

Return of assessment roll.

15. Notwithstanding The Assessment Act or any other Act and notwithstanding any municipal by-law, the assessment Rev. Stat., c. 24. roll for the area municipality shall be returned on such date as may be prescribed by the Lieutenant-Governor in Council.

Courts of revision.

16.—(1) The Lieutenant-Governor in Council may constitute one or more courts of revision to act in the area municipality.

Number of members.

(2) Each such court of revision shall consist of one or three members to be appointed by the Lieutenant-Governor in Council and each member shall hold office during the pleasure of the Lieutenant-Governor in Council.

Qualifica-

(3) Every member of a court of revision constituted under this section shall be a person eligible to be elected a member of the council of a municipality in Ontario.

Disqualifi-

(4) No person who is or during the preceding year was a member of the council or an officer or employee of an area municipality may be appointed or hold office as a member of a court of revision constituted under this section.

Quorum.

(5) Where a court of revision consists of three members, two shall form a quorum.

Remunera-

(6) Each member of a court of revision constituted under this section shall be paid such sum for his services as the Lieutenant-Governor in Council may determine, and payment of all members of such courts of revision shall be paid out of the Consolidated Revenue Fund.

Jurisdiction of court of revision.

(7) Where a court or courts of revision is or are constituted for an area municipality under this section, all appeals in respect of the assessment roll prepared pursuant to section 11 and in respect of the business assessment roll prepared pursuant to section 12, and in respect of additions thereto under section 51a of The Assessment Act, shall be heard by such court or courts, but in respect of all other matters the court or courts of revision constituted under The Assessment Act shall continue to function as if this Act had not been passed.

- 17. The provisions of *The Assessment Act* in relation to Appeals. appeals to courts of revision shall apply to appeals to a court of revision constituted under this Act, except that notice of appeal in relation to an assessment roll prepared pursuant to section 11 may be given within twenty-one days after the day upon which the roll is returned.
- 18.—(1) Notwithstanding anything in *The Assessment Act*, Time for where a court of revision has been constituted under this Act, of appeals.
 - (a) the time within which the court of revision shall hear and dispose of all appeals and certify the assessment roll in the area municipality shall be three months after the return of the assessment roll;
 - (b) the time within which the judge shall determine appeals from the court of revision shall be four months after the return of the assessment roll.
 - (2) The Lieutenant-Governor in Council may extend,

Extension of time.

- (a) the date upon which the assessment roll is to be returned;
- (b) the time within which the court of revision shall hear and dispose of appeals and certify the assessment roll; or
- (c) the time within which the judge shall determine appeals from the court of revision.
- 19.—(1) The Board shall have the same right of appeal Right of as is conferred on any person assessed under subsection 3 Board. of section 69 of *The Assessment Act* with respect to the assess-Rev. Stat., ment roll of the area municipality.
- (2) The Board shall have the same rights of appeal as are Idem. conferred on an assessment commissioner or assessor under *The Assessment Act*.
- 20. Notwithstanding section 45 of *The Assessment Act*, Assessment the assessment of a steam railway company in the assessment railway roll prepared under this Act shall be the amount for which company shall be assessed in that year and for the next following four years in respect of the land and property included in such assessment.
- **21.** The provisions of clause j of subsection 1 of section 16 Land of of *The Assessment Act* shall not apply to the Township of dents. East York, Etobicoke, North York, Scarborough or York, if such township is designated under section 11.

Application of Rev. Stat., c. 24.

22.—(1) Except where otherwise provided in this Act, the provisions of The Assessment Act shall apply in the area municipality.

Conflict.

(2) Where the provisions of this Act and The Assessment Act conflict, this Act shall prevail.

Commence-

23. This Act shall come into force on the day it receives the Royal Assent.

Short title.

24. This Act may be cited as The Greater Toronto Assessment Board Act, 1951.

An Act to amend The High Schools Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause e of subsection 1 of section 1 of The High Rev. Stat., Schools Act is repealed and the following substituted therefor: subs. 1, cl. e, re-enacted repealed and the following substituted therefor:
 - (e) "equalized assessment" means the total of the assessment of the real property of a municipality, as equalized by the county council under *The Assess*-Rev. Stat., ment Act, and the business assessments of that of the municipality.
- (2) Clause m of subsection 1 of the said section 1 is amended Rev. Stat., by adding at the end thereof the words "and initial payments subs. 1, el. m, or contributions to a pension scheme established under section 39", so that the clause shall read as follows:
 - (m) "permanent improvements" includes the purchase or rental of a residence for a teacher, or of a school site, the erection or rental of a schoolhouse, the enlargement of both or either of them, the erection of outhouses and gymnasium, and other buildings or fixtures to be used for the purpose of carrying on such school activities as are specified or permitted by the regulations, the purchase of school furniture, maps and apparatus, library, and all other appliances required by the regulations, and initial payments or contributions to a pension scheme established under section 39.
- 2. Subsection 1 of section 8 of *The High Schools Act* is Rev. Stat., amended by inserting after the word "district" in the sixth subs. 1, line the words "or establish a new district including the amended municipality or part which has been detached", so that the subsection shall read as follows:

Decreasing area of districts.

(1) Subject to the approval of the Minister, the council of a county or the councils of two or more adjoining counties which has or have established a high school district may by by-law detach from the high school district the whole or any part of any municipality which forms part thereof and shall add the municipality or part to another district or establish a new district including the municipality or part which has been detached, and any such by-law shall be passed on or before the 1st day of July in any year and shall take effect on the 1st day of January next following the passing of the by-law, unless otherwise provided therein.

Rev. Stat., c. 165, s. 21, re-enacted.

3. Section 21 of *The High Schools Act* is repealed and the following substituted therefor:

Declaring schools open.

- 21.—(1) In a county, the board of education or high school board of a high school district which includes or consists of a city or a separated town may by resolution or by-law declare all or any of its high schools, collegiate institutes or vocational schools open to,
 - (a) county pupils of the county or counties in which the district is situate;
 - (b) county pupils of an adjoining county or counties; or
 - (c) resident pupils of any high school district within the county or counties in which the district is situate or within an adjoining county or counties.

Idem.

- (2) The board of education or high school board of any other high school district in a county may by resolution or by-law declare all or any of its high schools, collegiate institutes or vocational schools open to,
 - (a) county pupils of an adjoining county or counties; or
 - (b) resident pupils of any high school district within the county or counties in which the district is situate or within an adjoining county or counties.
- (3) Where a high school, collegiate institute or vocational school is declared open under subsection 1 or 2, the

Notice; county appointment.

board shall notify the clerk of the county, or the secretary of the board of the high school district, as the case may be, and where the district consists of a city or a separated town, may request the council of the county in which the city or separated town is situate to appoint one additional trustee. as provided by clause a of subsection 4 of section 18.

- 4. Subsection 2 of section 33 of The High Schools Act is Rev. Stat., c. 165, s. 33, subs. 2, repealed and the following substituted therefor:
 - (2) Subject to the approval of the Minister, the board Power to sell, lease, shall have full power to sell, convey, transfer or etc. lease such property, or any part thereof, or any property otherwise acquired by the board, upon the adoption of a resolution by the board that the property is no longer required for high school purposes, and the proceeds of such sale, transfer or lease shall be applied for high school purposes.
 - (3) Where a board sells, conveys, transfers or leases Notice to any such property, the secretary of the board shall immediately advise the Minister as to the disposition of the proceeds.
 - 5. Sections 34 and 35 of *The High Schools Act* are repealed. Rev. Stat., c. 165, ss. 34, 35,

6. Section 39 of *The High Schools Act* is amended by adding Rev. Stat., c. 165, s. 39, amended. thereto the following subsection:

(6) Where an employee,

Transfer

- (a) becomes a member of the civil service of Ontario or Canada:
- (b) becomes an employee of a municipality, as Rev. Stat. defined in The Department of Municipal c. 96. Affairs Act; or
- (c) becomes a member of the staff of any board. commission or public institution established under any Act of this Legislature,

the board by resolution may authorize the transfer of, or may transfer, the whole or any part of any money standing to the credit of the employee in connection with a pension plan established for employees of the board, to any like plan or fund maintained to provide superannuation benefits for the members of such civil or civic service or such staff, as the case may be.

Rev. Stat., c. 165, amended. **7.** The High Schools Act is amended by adding thereto the following section:

Request for county to issue debentures.

48a.—(1) Where a high school district comprises more than one municipality or parts of municipalities, and an application made under subsection 2 of section 48 has been approved under subsection 4 thereof, or a majority of the votes is in favour of the application under subsection 6 thereof, and the councils of a majority of the municipalities which or part of which are included in the district by resolution request the council of the county in which the school is or is to be situate to raise the entire sum required by the issue of its debentures, such county council may without the assent of the electors issue the debentures in the manner provided by The Municipal Act, and the provisions of section 50 shall apply, except that each municipality shall pay its proportion to the county council.

Rev. Stat., c. 243.

Consideration by county council.

(2) The county council shall consider the request at its next meeting following the receipt thereof, and if the county council refuses the request, or neglects to make a decision at such meeting, the provisions of section 48 shall apply.

Where county must comply.

(3) Notwithstanding subsections 1 and 2, where a request is made under subsection 1 and the high school district comprises more than one-half of the equalized assessment, or more than one-half of the municipalities, of the county in which the school is or is to be situate, the council of the county shall issue the debentures.

Rev. Stat., c. 165, s. 50, amended.

8. Section 50 of *The High Schools Act* is amended by adding thereto the following subsection:

Time for payments.

(3a) The payments required to be made by a municipality to the municipality or county that has issued the debentures shall be made on or before the date or dates in each year upon which the payments in respect of the debentures fall due, and where a municipality defaults in paying its proportion when due, the municipality or county that has issued the debentures may charge the defaulting municipality interest at the rate of one-half of one per cent for each month or fraction thereof that the payment is overdue.

Commencement. **9.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

10. This Act may be cited as The High Schools Amendment Act, 1951.

CHAPTER 33

An Act to amend The Highway Improvement Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 13 of section 27 of *The Highway Improvement* Rev. Stat., *Act* is amended by inserting after the word "constructing" subs. 13. in the twelfth line the words "or maintaining", so that the subsection shall read as follows:
 - (13) Where the Minister has approved an agreement Subsidy to local muniunder this section the cost of the widening of the cipality. road, the construction of a pavement, the maintenance of a pavement, the construction and maintenance of curbs, gutters, catch basins and any other special work properly chargeable to road improvement which is borne and paid by the local municipality in accordance with the agreement may, for the purpose of determining the grant payable to the local municipality out of the Fund, be included in the statement of expenditures on roads under the jurisdiction of the council of the local municipality submitted to the Minister under this Act, but the cost of constructing or maintaining any sanitary or storm sewer or drain shall not be included in such statement.
- 2. Section 28 of *The Highway Improvement Act* is repealed Rev. Stat., c. 166, s. 28, and the following substituted therefor:
 - 28.—(1) Where a street in an urban municipality not Agreement separated from the county is not a part of the county county and road system but is an extension of or connects roads urban municipality reincluded in the county road system, the council of county road extensions, the county shall enter into agreement with the observation of the urban municipality, in such form as the Minister may prescribe or approve, for the main-

tenance and repair of such street, and, if it is in the public interest that such street be constructed or rebuilt, for the construction or rebuilding thereof.

Where councils fail to agree.

(2) Where the council of the county and the council of the urban municipality are unable to agree whether it is in the public interest that such street be constructed or rebuilt, the Minister shall decide the issue and his decision shall be final.

Idem.

(3) Where the council of a county and the council of an urban municipality are unable to agree upon any term or condition or the form of any agreement required to be entered into under subsection 1, or where either council refuses to enter into such an agreement, the Minister may prescribe the terms, conditions or form thereof, or all of them, and such agreement may be enforced in the same manner as an agreement duly executed on behalf of both councils.

Approval by Minister. (4) The agreement duly executed by both parties shall be submitted in triplicate to the Minister for approval and shall not have any force or effect unless approved in writing by the Minister.

Either party may do work.

(5) The agreement shall indicate the party that is to do the work and the manner in which and the time or times at which the other party is to pay its share of the expenditure made by the party doing the work.

How construction cost to be borne.

(6) In the case of the construction of a pavement 22 feet or less in width, the agreement shall provide that the county is to pay the total cost of such construction.

Idem, in case of wider pavement.

(7) In the case of the construction of a pavement wider than 22 feet, the agreement shall provide that the county is to pay that part of the total cost of such construction which bears the same proportion to such total cost as the area of a longitudinal strip of the pavement 22 feet in width bears to the total area of such pavement or such approximation to that proportion as may be mutually agreed upon.

Idem, in case of widening existing payement.

(8) Where there is an existing pavement less than 22 feet in width and the urban municipality desires to widen it, the agreement shall provide that the county is to pay that part of the total cost of constructing the additional width of pavement which bears the same proportion to such total cost as the area of that part

- of such additional width which together with the existing pavement would provide a total paved width of 22 feet bears to the total area of such additional width of pavement or such approximation to that proportion as may be mutually agreed upon.
- (9) The total cost mentioned in subsections 6, 7 and 8 Total cost, shall include the cost of any necessary grading, include. shouldering, under-drainage or base construction, but shall not include the cost of the construction of curbs, gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne and paid by the urban municipality.
- (10) In the case of the maintenance and repair of a pave-How maintenance cost ment or roadway 22 feet or less in width, the agree-to be borne. ment shall provide that the county is to pay the total cost of such maintenance and repair.
- (11) In the case of the maintenance and repair of a pave-ladem, in case of ment or roadway wider than 22 feet, the agreement wider wider shall provide that the county is to pay that part of the total cost of such maintenance and repair which bears the same proportion to such total cost as the area of a longitudinal strip of the pavement or roadway 22 feet in width bears to the total area of such pavement or roadway or such approximation to that proportion as may be mutually agreed upon.
- (12) The total cost mentioned in subsections 10 and 11 Total cost, shall include the cost of the removal of snow and the include. application of chemicals and abrasives and the removal thereof, but shall not include the cost of the maintenance and repair of curbs, gutters, catch basins, sanitary or storm sewers or drains or any other special work, all of which cost shall be borne and paid by the urban municipality.
- (13) Where any portion of the pavement or roadway is In case of occupied by the track allowance of a street railway, railway. then for the purposes of an agreement under this section such track allowance shall be deemed not to form part of the pavement or roadway, and in determining the cost of construction or maintenance which is to be borne by the respective parties, the cost of constructing or maintaining such track allowance, including the pavement thereon, shall be excluded from the total cost and the area of such track allowance shall be excluded from the total area of the pavement or roadway.

Subsidy to county.

(14) The part of the cost of the construction of a pavement and the maintenance and repair of a pavement or roadway which is borne and paid by the county under the agreement shall be deemed to be properly chargeable to the county road system and may, for the purpose of determining the grant payable to the county out of the Fund, be included in the statement of expenditures submitted to the Minister by the county under this Act.

Subsidy to urban municipality.

(15) The part of the cost of the construction of a pavement and the maintenance and repair of a pavement or roadway, including the construction and maintenance and repair of curbs, gutters, catch basins and any other special work properly chargeable to road improvement which is borne and paid by the urban municipality under the agreement, may, for the purpose of determining the grant payable to the urban municipality out of the Fund, be included in the statement of expenditures submitted to the Minister by the urban municipality under this Act, but the cost of constructing and maintaining any sanitary or storm sewer or drain shall not be included in such statement.

Construction or maintenance of culvert or bridge, how cost to be borne.

(16) In the case of the construction or maintenance and repair of a culvert or bridge on, over or across which the roadway passes and which is under the jurisdiction of the council of the urban municipality, the agreement shall provide that the cost of such construction or maintenance and repair, exclusive of any part thereof which is incurred to provide for sidewalks or for the track allowance of a street railway, is to be borne and paid 50 per cent by the county and 50 per cent by the urban municipality.

Subsidy to county.

(17) The part of the cost of the construction or maintenance and repair of such culvert or bridge which is borne and paid by the county under the agreement shall be deemed to be properly chargeable to the county road system and may be included in the statement of expenditures submitted to the Minister by the county under this Act, and the Minister may direct payment to the county treasurer out of the Fund of an amount equal to 50 per cent thereof.

Subsidy to urban municipality.

(18) The part of the cost of the construction or maintenance and repair of such culvert or bridge which is borne and paid by the urban municipality, exclusive of any part thereof which is incurred to provide for

sidewalks, may, for the purpose of determining the grant payable to the urban municipality out of the Fund, be included in the statement of expenditures submitted to the Minister by the urban municipality under this Act.

- (19) Any street which is constructed, rebuilt or main-Jurisdiction. tained under this section shall remain under the jurisdiction of the council of the urban municipality and it may pass by-laws to raise by debentures such sums as may be necessary to meet its share of the cost of construction or rebuilding, and it shall not be necessary to obtain the assent of the electors to any such by-law or to observe the other formalities in relation thereto prescribed by *The Municipal Act* Rev. Stat., or such share may be assessed under *The Local* cc. 243, 215. Improvement Act according to the report of an engineer.
 - 28a.—(1) In addition to any amount which the county County to make conmay expend in any year on county roads in an urban tribution municipality not separated from the county either other streets directly or pursuant to an agreement under section 27, municipality. and on county road extensions or connecting links in such urban municipality pursuant to an agreement under section 28, the county shall in the same year make a contribution towards the construction, improvement, maintenance and repair of other roads or streets in such urban municipality.
 - (2) Such contribution may be in the form of work carried Form of contribution. out by the county at the request of the urban municipality which is properly chargeable to road improvement under Part VII, or a cash payment towards work carried out by the urban municipality under Part VII, or a combination of such forms.
 - (3) Such contribution shall not be less in total value Minimum contribution. than 25 per cent of the amount levied on the urban municipality for county road purposes in the same year under the by-law mentioned in section 11, exclusive of any part thereof levied for the purpose of paying off the urban municipality's share of any debenture or other debt of the county, unless the value of the work properly chargeable to road improvement under Part VII and actually performed on such other streets in the same year is less than 25 per cent of the amount so levied, and in no case shall such contribution exceed the value of such work so actually performed.

How to be

(4) Where in any year such contribution or any part thereof is to take the form of a cash payment, the urban municipality shall, not later than the 15th day of November of that year, submit to the county road superintendent a certified statement showing in detail the location, nature and extent of the work done on such other streets by the urban municipality and the actual expenditures made thereon, and the county shall pay the amount of the contribution remaining due to the urban municipality under this section on or before the 31st day of December in the same year.

Subsidy to county.

(5) The contribution made by the county under this section shall be deemed to be properly chargeable to the county road system and may be included in the statement of expenditures submitted to the Minister by the county under this Act, and the Minister may direct payment to the county treasurer out of the Fund of an amount equal to 50 per cent thereof.

Agreement may exempt county from this section.

(6) Any agreement for the construction or rebuilding of a county road extension or connecting link under section 28 may provide that the county is to be relieved of its obligation to pay any contribution under this section so long as the amount expended by the county under such agreement is greater than the amount that would have been paid by it from year to year under this section, and in that case this section shall not apply.

Rev. Stat., c. 166, s. 36, subs. 3, amended.

3. Subsection 3 of section 36 of *The Highway Improvement Act* is amended by striking out the words "shall by by-law passed by a vote of at least two-thirds of the members present and voting thereon appropriate" in the sixth, seventh and eighth lines and inserting in lieu thereof the words "by by-law appropriates", so that the subsection shall read as follows:

Limit of contribution by city or town.

(3) The amount to be provided by the city or town shall not exceed the proceeds of a rate of one-half mill on the dollar of the value of the rateable property of the city or town, according to the last revised assessment roll, unless in any year by agreement with the council of the county, the council of the city or town by by-law appropriates for work on suburban roads a sum not exceeding the proceeds of a rate of two mills on the dollar of the value of such rateable property but such by-law shall not be passed until the council of the county has appropriated an equal amount for the like purposes to be expended in the same year.

- **4.** Section 63 of *The Highway Improvement Act* is repealed Rev. Stat., c. 166, s. 63, and the following substituted therefor: and the following substituted therefor:
 - 63. Where under paragraph 3 of subsection 1 of section Aid granted 478 of *The Municipal Act* the council of a city, town by city, town or village grants aid to the corporation of a township to be subtowards the construction or maintenance of a town-sidized. ship road in such township, the amount of aid so granted shall be deemed to be properly chargeable to road improvement and may be included in the statement of expenditures submitted to the Minister by the city, town or village under this Part.
- **5.**—(1) Section 93 of *The Highway Improvement Act* is Rev. Stat., c. 166, s. 93, amended by adding thereto the following subsections: amended by adding thereto the following subsections:
 - (9a) Where a person to whom a notice has been given Compensaunder subsection 4 complies therewith, the owner of the land shall be entitled to such compensation as may be agreed upon by him and the Minister or he may give notice in writing to the Minister that he requires the amount of the compensation to be determined by arbitration under The Public Works Rev. Stat., Act in which event the provisions of that Act for e. 323. determining the amount of compensation by arbitration in the case of land injuriously affected shall apply, and the notice given under subsection 4 shall be deemed to be the notice mentioned in section 23 of that Act and shall, for the purposes of section 24 of that Act, be deemed to have been duly given.
 - (9b) Any increase in the value of the land due to the Idem. establishment of the controlled access highway shall be disregarded in determining the amount of compensation under subsection 9a.
 - (9c) No compensation shall be allowed under subsection Idem. 9a if that which was removed, altered or closed up did not comply with The Highway Improvement Act R.S.O. 1937, c. 56. and the regulations thereunder on the 23rd day of March, 1950.
- (2) Subsection 10 of the said section 93 is amended by Rev. Stat., adding at the end thereof the words "and to development subs. 10. roads", so that the subsection shall read as follows:
 - (10) This section, except clauses b, e and f of subsection 1, and signs shall apply mutatis mutandis to the other portions Highway of the King's Highway and to development roads.

and deve-lopment roads.

6.—(1) This Act, except sections 1, 2, 3 and 4, shall come Commencement. into force on the day it receives the Royal Assent.

Idem.

(2) Sections 1, 2, 3 and 4 shall be deemed to have come into force on the 1st day of January, 1951.

Short title.

7. This Act may be cited as The Highway Improvement Amendment Act, 1951.

CHAPTER 34

An Act to amend The Highway Traffic Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 1 of section 1 of *The Highway Traffic Act* Rev. Stat., is amended by adding thereto the following clause:

 c. 167, s. 1, subs. 1.
 amended.
 - (ll) "motorcycle" means a self-propelled vehicle having a seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, and includes a bicycle with a motor attached and a motor scooter.
- 2. The Highway Traffic Act is amended by adding thereto Rev. Stat., the following section:
 - 1a. Where by this Act powers are conferred or duties Powers and are imposed upon the Department, such powers may Department. be exercised and such duties discharged by the Minister.
- 3. Section 2 of *The Highway Traffic Act* is amended by Rev. Stat., adding thereto the following subsection:

 Section 2 of *The Highway Traffic Act* is amended by Rev. Stat., and State of the state of the section of the state of the section of th
 - (3) The Minister may authorize the Registrar to exercise Delegation and discharge in his place any of the powers con-to Registrar. ferred or the duties imposed upon him under this Act.
- **4.**—(1) Subsection 1 of section 5 of *The Highway Traffic* Rev. Stat., *Act* is amended by striking out the words "motor bicycle" in subs. 1, the first line and inserting in lieu thereof the word "motorcycle", so that the subsection shall read as follows:
 - (1) Every motor vehicle other than a motorcycle, while Number being driven on a highway, shall have attached to and exposed on the front and back thereof, in a

conspicuous position, a number plate furnished by the Department showing in plain figures the number of the permit issued for the current year.

Rev. Stat., c. 167, s. 5, subs. 5, amended.

(2) Subsection 5 of the said section 5 is amended by striking out the words "motor bicycle" where they occur in the first, fifth and eighth lines, respectively, and inserting in lieu thereof in each instance the word "motorcycle", so that the subsection shall read as follows:

Number plate on motorcycle. (5) A motorcycle while being driven on a highway shall have exposed on the front and back thereof a number plate furnished by the Department showing in plain figures, not less than two inches in height, the number of the permit of such motorcycle, and the number plate on the front shall show the number of the permit issued for the current year on both sides and shall be fixed so that the number is plainly visible from either side of the motorcycle.

Rev. Stat., c. 167, s. 10, subs. 1, amended.

5. Subsection 1 of section 10 of *The Highway Traffic Act* is amended by striking out the words "motor bicycle" in the sixth line and inserting in lieu thereof the word "motorcycle", so that the subsection shall read as follows:

Lamps.

(1) Whenever on a highway after dusk and before dawn, every motor vehicle shall carry three lighted lamps in a conspicuous position, one on each side of the front which shall cast a white, green or amber coloured light only, and one on the back of the vehicle which shall cast from its face a red light only, except in the case of a motorcycle without a side car, which shall carry one lamp on the front which shall cast a white light only and one on the back of the vehicle which shall cast from its face a red light only, and any lamp so used shall be clearly visible at a distance of at least 200 feet from the front or rear, as the case may be.

Rev. Stat., c. 167, s. 11, amended. **6.** Section 11 of *The Highway Traffic Act* is amended by striking out the words "which has been approved by the Department" in the third line and inserting in lieu thereof the words "as described in clause g of subsection 1 of section 41", so that the section shall read as follows:

Vehicles with right hand drive. 11. Every vehicle which is equipped with a right hand drive shall, unless it is equipped with a mechanical or electrical signal device as described in clause g of subsection 1 of section 41, have prominently displayed on the rear thereof in bold face letters of not less than two inches in height and of a colour

which is in contrast to that of the vehicle, the words, "RIGHT HAND DRIVE VEHICLE".

- **7.**—(1) Clause e of subsection 1 of section 41 of The High-Rev. Stat., way Traffic Act is amended by striking out the words "which subs. 1. cl. e, has been approved by the Department" in the fourth line and inserting in lieû thereof the words "as described in clause g", so that the clause shall read as follows:
 - (e) The signal required in clause d shall be given either Mode of signalling by means of the hand and arm in the manner herein for left specified or by a mechanical or electrical signal device turn. as described in clause g.
- (2) Subsection 1 of the said section 41 is further amended Rev. Stat., c. 167, s. 41, by adding thereto the following clause:

 subs. 1, amended.
 - (g) A mechanical or electrical signal device shall clearly Require-indicate the intention to turn, shall be visible and signalling understandable during day-time and night-time from device. the front and from the rear of the vehicle for a distance of 100 feet, and shall be self-illuminated when used after dusk and before dawn.
- (3) Subclause i of clause i of subsection 2 of the said section Rev. Stat., 41 is amended by inserting after the word "on" in the fourth $\frac{c. \ 167, \ s. \ 41}{subs. \ 2, \ cl. \ i,}$ line the words "or suspended from or by means of a bracket or $\frac{subcl. \ i}{amended}$ extended arm attached to", so that the subclause shall read as follows:
 - (i) Every signal-light traffic control system installed after the 9th day of April, 1936, shall consist of sets of green, amber and red signal-lights, each of which sets shall be mounted on, or suspended from or by means of a bracket or extended arm attached to, a post or other standard located on the right side of the roadway used by the traffic controlled by it and upon the side of the intersecting roadway which is remote from such traffic as it approaches, and the lower portion of each of such sets shall be not less than nine feet from the level of the roadway, provided that where any such system is installed at an intersection other than an intersection where two highways cross, the arrangement of the lights shall comply as nearly as possible with the provisions of this subsection.
- **8.** Subsection 1 of section 66 of *The Highway Traffic Act* Rev. Stat., is amended by striking out the word "county" where it occurs subs. 1, in the second and ninth lines, respectively, and inserting in lieu thereof in each instance the words "local municipality", so that the subsection shall read as follows:

When owner may appear before justice of the peace.

(1) If an owner of a motor vehicle is served with a summons to appear in a local municipality other than that in which he resides for an offence against this Act, and his defence is that neither he nor his motor vehicle was at the place of the alleged offence at the time such offence occurred, and that the summons must have been issued against him through an error of the informant as to the number on the official number plate, then and in that case only he may appear before a justice of the peace in the local municipality in which he resides and, in the same manner as if he were being tried for an offence against this Act, give evidence by himself and corroborated by the evidence of at least two other credible witnesses that neither he nor his motor vehicle was at the place of the alleged offence at the time such offence occurred, and that the summons must have been issued against him through an error of the informant as to the number on the official number plate.

Rev. Stat., c. 167, s. 76, subs. 2, amended.

9. Subsection 2 of section 76 of *The Highway Traffic Act* is amended by striking out the word "less" in the seventh line and inserting in lieu thereof the word "more", so that the subsection shall read as follows:

Penalty.

(2) Any person who violates any of the provisions of subsection 1 shall be liable for the first offence to a penalty of not more than \$5; for the second offence to a penalty of not less than \$5 and not more than \$10; and for any subsequent offence to a penalty of not less than \$10 and not more than \$25, and in addition his licence or permit may be suspended for a period of not more than thirty days.

Rev. Stat., c. 167, amended. **10.** *The Highway Traffic Act* is amended by adding thereto the following section:

Bill of costs to be taxed and filed.

108a.—(1) No moneys shall be paid out of the Fund under or in respect of an order or judgment until the bill or bills of costs of the barrister or solicitor acting or who acted for the applicant in the application or action which resulted in the order or judgment, as taxed on a solicitor and client basis, is filed with the Minister.

Fees limited to taxed costs.

(2) No amount shall be charged or received either directly or indirectly for legal services in connection with any application or action referred to in subsection 1 other than the amounts as taxed on a solicitor and client basis in the bill or bills of costs.

- 11.—(1) This Act, except section 9, shall come into force Commence-on the day it receives the Royal Assent.
- (2) Section 9 shall be deemed to have come into force on Idem. the 31st day of December, 1950.
- 12. This Act may be cited as The Highway Traffic Amend-Short title. ment Act, 1951.



CHAPTER 35

An Act to amend The Homes for the Aged Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Homes for the Aged Act is amended by adding Rev. Stat., thereto the following section:
 - 3a.—(1) A city or town having a population of not less Establish than 25,000 in a district may, with the approval of homes by the Minister, establish, erect and maintain a home towns in for the aged, or the councils of any such city or town districts. and of one or more contiguous municipalities may, with the approval of the Minister, enter into an agreement for the establishment, erection and maintenance of, and may establish, erect and maintain a joint home for the aged.
 - (2) Where a home or a joint home for the aged is estab-^{Idem} lished under subsection 1, the municipality or municipalities that maintain it shall be deemed not to be within the district for the purposes of section 3 and the provisions of this Act respecting homes for the aged established by municipalities not in districts shall apply to the homes established under subsection 1.
- 2. Section 14 of *The Homes for the Aged Act* is amended by Rev. Stat., adding thereto the following subsection:
 - (3) In computing the amount of the cost of the new What to be building, addition or extension for the purposes of and excluded subsection 1, the cost of equipment and furnishings in computacquired after the 1st day of April, 1950, may be included, but, except where approval was given before the 1st day of January, 1951, the cost of any land in excess of fifteen acres and the cost of any barns or other similar outbuildings shall not be included.

Rev. Stat, c. 168, s. 15, subs. 1, amended.

3.—(1) Subsection 1 of section 15 of *The Homes for the Aged Act* is amended by inserting after the word "aged" in the third line the words "or having an agreement under subsection 2 of section 2, section 3a, or section 5", so that the subsection shall read as follows:

Provincial subsidy on operating costs, in counties.

(1) There shall be paid out of such moneys as may be voted therefor by the Legislature to every municipality having a home for the aged or having an agreement under subsection 2 of section 2, section 3a, or section 5 an amount equal to one-half the amount paid out by the municipality for the operation and maintenance of the home computed in the manner prescribed by the regulations, except that any amount otherwise payable to a county under this subsection shall be paid to each municipality forming part of the county in the proportion that the equalized assessment of the municipality bears to the total equalized assessment of the county.

Rev. Stat., c. 168, s. 15, amended.

(2) The said section 15 is further amended by adding thereto the following subsection:

Farm cost to be excluded.

(3) In computing the amount paid out for the operation and maintenance of the home for the purposes of subsection 1 or 2, the cost of operating and maintaining a farm in connection with the home shall not be included.

Commencement. **4.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as The Homes for the Aged Amendment Act, 1951.

221

CHAPTER 36

An Act to amend The Hospitals Tax Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- - (c) "entertainment by one or more paid performers", if facilities for dancing are not provided, means any entertainment of any kind except music produced by means of a musical instrument other than the human voice and except entertainment produced by mechanical or electronic means.
- (2) Clause g of the said section 1 is repealed and the follow-Rev. Stat., o. 170, s. 1, ing substituted therefor:
 - (g) "place of entertainment" means any premises or place, whether enclosed or not,
 - (i) where facilities for dancing are provided with the service of liquor, beer or wine, or
 - (ii) where entertainment by one or more paid performers is provided with the service of food or the service of liquor, beer or wine,

but no premises or place shall be deemed to be a place of entertainment on any day until facilities for dancing are provided or entertainment by one or more paid performers is provided and, thereafter, such premises or place shall be a place of entertainment until closed.

- 2. Section 3 of *The Hospitals Tax Act* is repealed and the Rev. Stat., c. 170, s. 3, re-enacted.
 - 3.—(1) Every purchaser of admission to a place of Tax on admission amusement shall pay the Treasurer for the use of to place of amusement.

His Majesty in right of Ontario a tax on the price of admission as follows:

Price of Admission

Tax

More	than	15	cents	and	not	more	than	20	cents		2	cents
"	"	20	"	"	"	"	66	28	"		3	66
"	66	28	66	"	"	"	"	36	"		4	44
"	66	36	44	ш	46	44	44	45	ш		5	. "
ш	"	45	"	ш	44	44	66	52	"		6	66
ш	66	52	44	"	44	ш	66	60	66		7	44
"	44	60	"	"	46	"	44	68	"		8	44
ш	"	68	66	"	"	"	46	76	и		9	44
ш	46	76	u	44	"	"	44	85	"	1	0	44
26	44	85	"	46	66	"	46	92	66	1	1	46
66	"	92	"	44	66	"	44	99	"	1	2	"

and where the price of admission is more than 99 cents, a tax at the rate of $12\frac{1}{2}$ per cent calculated upon the price of admission, and in the calculation every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as one cent.

Tax on admission to places of entertainment.

- (2) Every purchaser of admission to a place of entertainment shall pay to the Treasurer for the use of His Majesty in right of Ontario,
 - (a) a tax at the rate of $12\frac{1}{2}$ per cent calculated upon the price of admission where such price is less than \$8; and
 - (b) a tax of \$1 where such price is \$8 or more,

and in the calculation under clause a, every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as one cent.

Commence-

3. Section 1 shall come into force on the 1st day of July, 1951, and section 2 shall come into force on the 1st day of April, 1951.

Short title.

4. This Act may be cited as The Hospitals Tax Amendment Act, 1951.

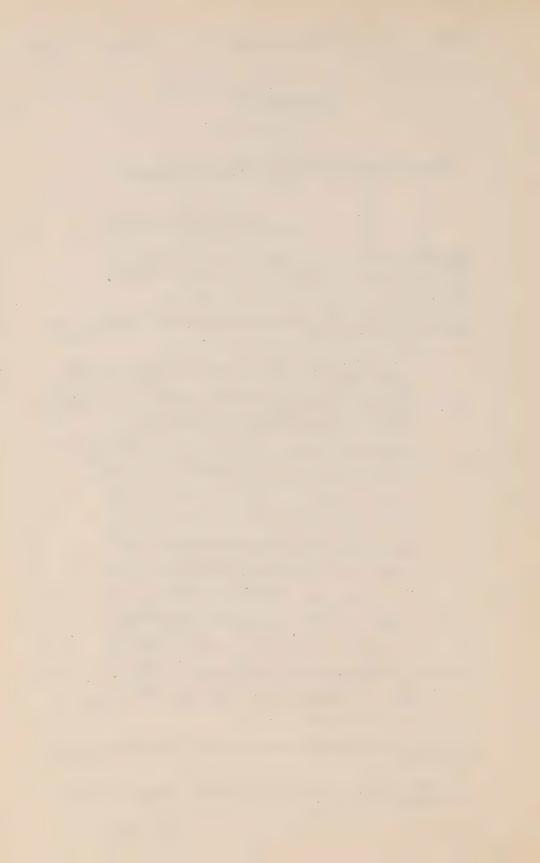
CHAPTER 37

An Act to amend The Housing Development Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

TIS MAJESTY, by and with the advice and consent of ■ the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Housing Development Act is amended by adding Rev. Stat., c. 174; thereto the following section: amended.
 - 6a. Notwithstanding the provisions of any other Act Powers of municipal of this Legislature, the council of a municipality palities under joint which enters into or has heretofore entered into an housing agreement with His Majesty the King in right of agreements. Ontario and Central Mortgage and Housing Corporation, a corporation established by The Central 1945 (2nd Sess.), Mortgage and Housing Corporation Act (Canada), (Can.). pursuant to The Housing Development Act, 1948 1948, or this Act, shall be deemed to have and to have had c. 44. authority to enter into such agreement and shall have all such powers as may be necessary to carry out the provisions thereof or of any undertaking given by such council pursuant thereto, and without limiting the generality of the foregoing, every such council may incur continuing obligations and make provisions for the discharge thereof without reference to the Ontario Municipal Board and may apportion any debt or obligation arising out of such agreement in such manner as it may deem equitable against any properties, whether such properties form part of a project within the meaning of such agreement or are adjacent thereto, and such debt or obligation when so apportioned shall be deemed to be a land tax within the meaning of The Assessment Act and Rev. Stat., recoverable as such.
- 2. This Act shall come into force on the day it receives the Commence-Royal Assent.
- 3. This Act may be cited as The Housing Development Short title. Amendment Act, 1951.



CHAPTER 38

An Act to suspend The Income Tax Act (Ontario) in respect of Income of the Calendar Year 1950

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Notwithstanding *The Income Tax Act* (Ontario), no tax Personal shall be levied under that Act on income of the calendar year suspended.

 1950.

 R.S.O. 1937, c. 25.
- 2. This Act shall come into force on the day it receives Commence-the Royal Assent.
- 3. This Act may be cited as The Income Tax Suspension Short title. Act, 1951.



227

CHAPTER 39

An Act to amend The Insurance Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 1 of *The Insurance Act* is amended by adding Rev. Stat., thereto the following paragraph:
 - 55a. "salesman" means a person who is employed by a licensed insurance agent or broker on a stated salary which is not supplemented by commission, bonus, or any other remuneration, to solicit insurance or transact, for a person other than himself, an application for a policy of insurance, or to act in the negotiation of such insurance or in negotiating its continuance or renewal, or collects and receives premiums on behalf of his employer only, but does not include a licensed insurance agent, broker or employee engaged solely in office duties for an agent or broker or a person acting under the authority of subsection 16, 17 or 18 of section 290.
- 2. The Insurance Act is amended by adding thereto the Rev. Stat., following section:
 - 27a. Every insurer licensed for the transaction of auto-Scope of automobile mobile insurance may, under the authority of its insurance licence, unless the licence expressly provides otherwise, provide the restricted accident insurance authorized under section 212a.
- 3. Subsection 2 of section 37 of The Insurance Act is Rev. Stat., c. 183, s. 37, subs. 2, repealed.
- **4.** Subsection 2 of section 40 of *The Insurance Act* is Rev. Stat.. amended by striking out the figures "71" in the first line and subs. 2. inserting in lieu thereof the figures "45" and by striking out amended. the figures and word "46 to 49" in the third line and inserting in lieu thereof the figures and word "67 to 71", so that the subsection shall read as follows:
 - (2) The provisions of sections 41 to 45 shall not apply Application to an insurer maintaining a reciprocal deposit with licensees.

the government of another province pursuant to sections 67 to 71, or expressly exempted by order of the Lieutenant-Governor in Council.

Rev. Stat., c. 183, ss. 46-71, re-enacted.

5. Sections 46 to 71 of *The Insurance Act* are repealed and the following substituted therefor:

ADMINISTRATION OF DEPOSIT

Interpreta-

- 46. In sections 47 to 71,
 - "insured person" means a person who enters into a subsisting contract of insurance with an insurer and includes,
 - (a) every person insured by a contract whether named or not; and
 - (b) every person to whom or for whose benefit all or part of the proceeds of a contract of insurance are payable; and
 - (c) every person entitled to have insurance money applied toward satisfaction of his judgment in accordance with section 214;
 - 2. "loss" includes the happening of an event or contingency by reason of which a person becomes entitled to a payment under a contract of insurance of money other than a refund of unearned premiums;
 - 3. "Ontario contract" means a subsisting contract of insurance that,
 - (a) has for its subject,
 - (i) property that at the time of the making of the contract is in Ontario or is in transit to or from Ontario, or
 - (ii) the life, safety, fidelity or insurable interest of a person who at the time of the making of the contract is resident in Ontario or of an incorporated company that has its head office in Ontario; or
 - (b) makes provision for payment thereunder primarily to a resident of Ontario or to an incorporated company that has its head office in Ontario;

- 4. "reciprocal deposit" means a deposit of an insurer held pursuant to section 68 or 69;
- 5. "reciprocating province" means a province that has been declared to be a reciprocating province pursuant to clause *a* of subsection 1 of section 68 or subsection 1 of section 69 with respect to the deposit of a particular insurer.
- 47.—(1) Notwithstanding anything hereinafter contained Deposit may but subject to subsection 2, at any time before the granting Poinsure of an order for administration of a deposit and upon the Contracts. recommendation of the Superintendent certifying that such action is necessary or desirable for the protection of policyholders entitled to share in the proceeds of the deposit, the Minister may use all or any part of the deposit for the purpose of reinsuring all or any part of the Ontario contracts.
- (2) A reciprocal deposit may be used for purposes of re-Consent insurance in the manner and to the extent agreed upon by in case of the Superintendents of Insurance of the reciprocating prov-deposit. inces and not otherwise.
- 48.—(1) The deposit made by an insurer under this Act Administrashall be subject to administration in the manner hereinafter deposit. provided.
- (2) Subject to sections 68 and 69, the deposit shall be held for whom and administered for the benefit of all insured persons under deposit administered. Ontario contracts and they shall be entitled to share in the proceeds of the deposit.
- (3) An insured person under an Ontario contract shall be Claims entitled to share in the proceeds of the deposit in respect of, insured to share in deposit.
 - (a) a claim for a loss that is covered by the contract and that occurred before the termination date fixed pursuant to section 53 of this Act or section 315 of The Companies Act; or Rev. Stat., c. 59.
 - (b) a claim for refund of unearned premiums except in the case of life insurance; or
 - (c) a claim for payment of the legal reserve in respect of the contract in the case of life insurance; or
 - (d) claims under both clauses a and b.
- 49.—(1) An application for administration of a deposit Application shall be made by originating notice of motion to a judge of stration of the Supreme Court.

Where application to be made.

- (2) The application shall be made in the county or district,
 - (a) in which the head office of the insurer is situate; or
 - (b) in which the chief office of the insurer in Ontario is situate if its head office is outside Ontario.

Application by Superintendent.

50.—(1) With the approval of the Minister, the Superintendent may make application for administration at any time when, in his opinion, it is necessary or desirable for the protection of the insured person entitled to share in the proceeds of the deposit.

Idem.

(2) In the case of a reciprocal deposit held in Ontario, the Superintendent of Insurance of any reciprocating province may make application for administration of the deposit.

Application by insured persons.

- (3) An insured person entitled to share in the proceeds of a deposit may make application for administration of the deposit upon producing evidence,
 - (a) that he has served the Superintendent with a notice in writing of his intention to make application if the Superintendent or the Superintendent of Insurance of any reciprocating province does not apply; and
 - (b) that sixty days have elapsed since the service of the notice and that no application for administration of the deposit has been made.

Duty of Superintendent in case of reciprocal deposit.

(4) In the case of a reciprocal deposit, if the Superintendent is served with a notice as provided in subsection 3, he shall forthwith notify the Superintendent of Insurance of each reciprocating province that he has been so served.

Service of notice of motion.

- 51.—(1) The applicant for administration of the deposit shall serve the originating notice of motion at least ten days prior to the date specified in the notice for the making of the application,
 - (a) upon the insurer or, where the insurer is in liquidation, upon the liquidator of the insurer; and
 - (b) upon the Superintendent; and
 - (c) in the case of a reciprocal deposit, upon the Superintendent of Insurance of each reciprocating province.

Order for administration.

(2) An applicant for administration shall be entitled to an order for administration upon proof,

231

- (a) that the licence of the insurer has been cancelled, and that its assets are insufficient to discharge its outstanding liabilities; or
- (b) that an order has been made for the winding up of the insurer; or
- (c) that the insurer has failed to pay,
 - (i) an undisputed claim for sixty days after it has been admitted, or
 - (ii) a disputed claim after final judgment and tender of a valid discharge,

if the claim arose under a contract of insurance in respect of which the deposit is subject to administration.

- 52.—(1) Upon granting an order for administration the Receiver, court shall appoint a receiver to administer the deposit.
- (2) Where a provisional liquidator or a liquidator has been Provisional liquidator, appointed under this Act or *The Companies Act*, or a liquidator appointh has been appointed under the *Winding-up Act* (Canada) to wind up a company that has made a deposit under this Act, c. 59. the court may appoint the provisional liquidator or the liquidator or the liquidator as the receiver to administer the deposit.
- (3) Thereupon the provisional liquidator or the liquidator Deposit, how to be shall administer the deposit for the benefit of the insured administered to share in the proceeds thereof in accordance with the provisions of and the priorities set out in this Act.
- 53.—(1) Where a termination date has not been fixed by a Termination provisional liquidator or a liquidator pursuant to section 315 of *The Companies Act*, forthwith after his appointment the receiver shall fix a termination date for the subsisting contracts of insurance of the insurer, and on and after that date coverage and protection under the Ontario contracts shall cease and determine and the insurer shall not be liable under any such contract for a loss that occurs after that date.
- (2) Where a receiver administering a reciprocal deposit Termination of Ontario held in another province for the benefit of the insured persons contracts on under Qntario contracts fixes a termination date for the sub-date fixed by receiver sisting contracts of insurance of the insurer, on and after that in another date coverage and protection under the Ontario contracts shall cease and the insurer shall not be liable under any such contract for a loss that occurs after that date.
- (3) The termination date shall not be less than twenty When and not more than forty-five days after the date upon which date to be fixed. the receiver was appointed.

Notice of termination date.

(4) The receiver shall forthwith give notice in writing of the termination date to the Superintendent, and in the case of a reciprocal deposit, to the Superintendent of Insurance of each reciprocating province.

Publication of notice.

(5) The receiver shall forthwith publish notice of the termination date in The Ontario Gazette and in the official Gazette of each reciprocating province and in such newspapers circulating in those provinces as the receiver in his opinion deems advisable in order to give reasonable notice of the termination date.

Notice to insured persons tracts.

54.—(1) The Superintendent, upon receiving notice of a termination date fixed by the receiver administering the Ontario con- deposit of an insurer, shall forthwith take such action as he may deem advisable in the interests of the insured persons under Ontario contracts to give notice of that date to them as soon as is reasonably possible.

List of insured persons.

(2) Without restricting the generality of subsection 1, the Superintendent may forthwith require each agent of the insurer in Ontario to forward to him a list showing the name and address of each person who has entered into a contract of insurance with the insurer of whom the agent has a record.

Notice to persons on list.

- (3) On receipt of each list forwarded by an agent, the Superintendent may send by ordinary mail to each person whose name appears on the list a notice containing the following information:
 - (a) The termination date fixed by the receiver.
 - (b) The name and address of the receiver to whom particulars of claims for loss and claims for refund of unearned premiums should be submitted.
 - (c) Such other information as the Superintendent deems advisable.

Publication of contents of notice.

(4) The Superintendent in his discretion may publish, broadcast or otherwise communicate or distribute the information contained in the notice, either generally or in any particular area or case, in such manner and by such means as he deems best suited to convey the information to the insured persons as soon as is reasonably possible having regard to all the circumstances.

Duty of receiver on appoint-ment.

- 55. Forthwith after his appointment the receiver shall,
 - (a) call either upon the insurer or its agent or liquidator to furnish a list of all insured persons who are entitled to share in the proceeds of the deposit; and

- (b) call upon all insured persons who are entitled to share in the proceeds of the deposit to file their claims if they have not already done so.
- 56. The court, by the order appointing a receiver or by any Powers of Master of subsequent order, may authorize the receiver to exercise, in Supreme respect of the accounts of the insurer, all or any of the powers exercisable that the Master of the Supreme Court would have if he were by receiver. taking an account of the claims against the deposit, and every receiver so authorized shall have those powers as well as all other powers enjoyed by a receiver appointed under an order of the court.

- 57.—(1) The receiver may apply to the court from time to Application by receiver for order for order for sale of securities. time for an order authorizing him,
 - (a) to sell or realize upon all or any portion of the securities comprised in the deposit of the insurer; and
 - (b) to pay from the proceeds thereof the costs of the administration of the deposit including salaries of office staff, office expenses, the fee for the services of the receiver, fees and disbursements to adjusters and solicitors, and such other costs and expenses as the court deems proper.
- (2) The court may require the receiver to give such notice Notice of of the application in such manner as the court may require. application.
- (3) After hearing the application, the court may make the Making of order and may require the receiver to comply with such con-order. ditions as the court may direct.
 - 58. The proceeds of the deposit shall-be payable,

Priorities in payment of proceeds of deposit.

(a) firstly, in payment of the receiver and of all costs and expenses incurred by him in the administration of the deposit and in payment of the remuneration, costs and expenses of the provisional liquidator as ordered by the Minister pursuant to subsection 3 of section 311 of The Companies Act;

Rev. Stat.,

- (b) secondly, in payment of the insured persons who are entitled to share in the proceeds of the deposit in accordance with the priorities set out in section 59.
- 59.—(1) Except in the case of life insurance, each insured Priority of loss person who claims in respect of a loss covered by the contract claims. that occurred before the termination date fixed pursuant to section 53 of this Act or section 315 of The Companies Act shall be entitled to receive payment of his approved or settled

claim in full in priority to the insured persons who claim in respect of refunds of unearned premiums.

Priority of unearned premium claims.

- (2) Subject to subsection 1, an insured person who claims in respect of a refund of unearned premiums may claim such part of the premium paid as is proportionate to the period of his contract unexpired,
 - (a) at the termination date fixed by the receiver pursuant to section 53 or fixed by the provisional liquidator or the liquidator pursuant to section 315 of *The Companies Act*; or

Rev. Stat., c. 59.

(b) at the date the insured person cancelled the contract,

whichever is the earlier date.

Priority of life insurance claims.

(3) In the case of life insurance, each insured person who has a claim for a loss covered by the contract that occurred before the termination date fixed pursuant to section 53 of this Act or section 315 of *The Companies Act* shall rank in the distribution of the proceeds of the deposit for the approved or settled amount of the claim *pari passu* with insured persons under unmatured life insurance contracts.

Claim under unmatured life policy.

(4) An insured person under an unmatured life insurance contract shall be entitled to the full amount of the legal reserve in respect of his contract determined by the receiver according to the valuation thereof approved by the Superintendent under this Act.

Action of receiver on receipt of claims.

- 60.—(1) Where an insured person has filed a claim for a loss covered by the contract that occurred before the termination date fixed pursuant to section 53 of this Act or section 315 of *The Companies Act*, the receiver shall inquire into the claim and.
 - (a) may approve the claim if a final judgment has been obtained against the insurer in respect thereof; or
 - (b) may approve the claim if it has been adjusted or settled by the insurer or by the receiver at an amount that in his opinion the claimant is reasonably entitled to receive; or
 - (c) may refuse to approve the claim or the amount thereof.

Appeal from receiver.

(2) An appeal shall lie from any decision of the receiver if taken within thirty days from the date on which the person appealing has received notice of the decision.

235

- (3) The appeal shall be taken by service on the receiver Manner of and by the filing of a notice of motion returnable before a judge of the Supreme Court in chambers who may summarily determine the matter or may direct an issue to be tried or may make such other order as he deems proper.
- 61.—(1) The receiver shall prepare a list showing the names List of of the persons who appear by the books and records of the persons entitled to insurer or otherwise to be entitled to share in the proceeds of share in the deposit.
- (2) The receiver shall prepare and attach to the list a Schedule of approved schedule of approved claims for losses of persons whose names claims for appear on the list showing in respect of each approved claim,
 - (a) the name and address of the claimant;

1951

- (b) the particulars of the contract of insurance upon which the claim is based;
- (c) whether the claim was reduced to judgment or was adjusted or settled; and
- (d) the amount to which the claimant is entitled.
- (3) The receiver shall prepare and attach to the list a Schedule schedule of unapproved claims for losses of persons whose approved claims for names appear on the list showing in respect of each claim, losses.
 - (a) the name and address of the claimant;
 - (b) the particulars of the contract of insurance upon which the claim is based;
 - (c) the amount for which the claim is made or the amount estimated by the receiver as the probable maximum amount that will be payable under the contract in respect of that loss.
- (4) Except in the case of life insurance, the receiver shall Schedule of prepare and attach to the list a schedule of unearned pre-premiums. miums refundable showing in respect of each person whose name appears on the list and who is entitled to a refund,
 - (a) his name and address;
 - (b) the particulars of the contract of insurance in respect of which the unearned premium is refundable:
 - (c) the date on which the policy was terminated either

Rev. Stat., c. 59.

- by the receiver pursuant to section 53 or by the provisional liquidator or the liquidator pursuant to section 315 of The Companies Act, or was cancelled by the insured person:
- (d) the amount of the unearned premium as calculated by the receiver in accordance with subsection 2 of section 59.

Schedule of legal reserves on life policies.

- (5) In the case of life insurance, the receiver shall prepare and attach to the list a schedule of contract legal reserves showing in respect of each person whose name appears on the list and who is entitled to claim for the legal reserve in respect of his contract,
 - (a) his name and address;
 - (b) the particulars of the contract of insurance in respect of which the legal reserve is payable;
 - (c) the amount of the legal reserve calculated by the receiver pursuant to subsection 4 of section 59.

Application

62.—(1) Upon completion of the schedules and after having for order for payment paid or provided reasonable reserves out of the deposit to pay the amounts payable pursuant to clause a of section 58, the receiver may apply to the court for an order authorizing the payment of such aggregate sum as may be fixed by the court on account of the amounts payable pursuant to clause b of section 58.

Provision for payment of claims.

- (2) Except in the case of life insurance, the receiver shall divide the sum mentioned in subsection 1 so as to provide for payment of the claims for losses in full or, if the sum is inadequate, pro rata on account of,
 - (a) the approved claims for losses set out in the schedule of approved claims for losses; and
 - (b) the unapproved claims for losses set out in the schedule of unapproved claims for losses,

and shall distribute the portion referred to in clause a at such time or times as the receiver may determine to the persons entitled thereto and shall retain the portion referred to in clause b for distribution from time to time as the unapproved claims are approved.

Payment of unearned premiums.

(3) Except in the case of life insurance, if there appears to be a surplus remaining after the receiver has paid or retained a sum that, in his opinion, is reasonably adequate to

pay in full all claims for losses referred to in subsection 2, the receiver shall divide the surplus so as to provide for payment of all unearned premiums in full or, if it is inadequate, among the persons entitled to a refund of unearned premiums in proportion to the amounts payable as set out in the schedule of unearned premiums refundable.

- (4) In the case of life insurance, the receiver shall divide Payment of the sum fixed pursuant to subsection 1 so as to provide for case of payment of the following amounts in full or, if the sum is life insurance. inadequate, pro rata on account of,
 - (a) the approved claims for losses set out in the schedule of approved claims for losses;
 - (b) the unapproved claims for losses set out in the schedule of unapproved claims for losses;
 - (c) the full amount of the legal reserve in respect of each matured life insurance contract as set out in the schedule of contract legal reserves,

and shall distribute the portions referred to in clauses a and c at such time or times as the receiver may determine to the persons entitled thereto and shall retain the portion referred to in clause b for distribution from time to time as the unapproved claims are approved.

- 63. If a claim in respect of a loss that occurred before the Payment of termination date is filed after the receiver has applied to the delayed court under subsection 1 of section 62, and before the final order of the court discharging the receiver, the claimant shall be entitled to share in the distribution of the moneys remaining in the hands of the receiver upon proof of his claim and upon such terms and conditions as the court may direct.
- 64. The receiver administering a deposit may apply to the Application court at any time on summary application for directions or direction. advice pertaining to any matter arising in the administration of the deposit.
- 65. Upon the completion of the distribution of the proceeds Submission of the deposit, the receiver shall submit his final accounts to of final the court and the court, on the passing thereof, may make an accounts order approving the accounts and discharging the receiver.
- 66. If a claim is made after the completion of the distribution of the proceeds of the deposit and the discharge of the unpaid after receiver, or if there is a claim against the insurer by an insured of deposit. person not fully paid by the distribution of the proceeds of the deposit, the claimant is not barred from any recourse he

may have against the insurer, and his claim shall be a first lien or charge on the assets of the insurer in winding up as provided in subsection 2 of section 313 of *The Companies Act*.

Rev. Stat., c. 59.

Certain persons not entitled to share in proceeds of deposit. 66a. A person who holds security for his claim under a contract of insurance, or who is entitled to share in the administration of a fund deposited with the government of any other province for the protection of persons resident in that province, shall only be entitled to share in the administration of the Ontario deposit if he abandons such special security and releases his claim upon any other government deposit.

RECIPROCAL DEPOSITS

Interpreta-

67.—(1) In sections 68 and 69, the expression "contracts" shall in relation to any other province of Canada have the meaning assigned to it by the Act of that province under which insurers are licensed to carry on the business of insurance.

Application of ss. 68, 69.

(2) This section and sections 68 and 69 shall be applicable notwithstanding that the insurer is or may become licensed in one province for classes of insurance different from those for which it is or may become licensed in another province.

Idem.

(3) The provisions of sections 68 and 69 shall prevail over any other provisions of this Act to the extent that they are inconsistent with such other provisions.

Reciprocal deposits.

68.—(1) Where an insurer has its head office for Canada in Ontario and makes a deposit under this Act for the purposes of this section by virtue whereof the insurer will not be required to make a deposit in another province in which it is or may become licensed to undertake insurance, the following provisions shall have effect:

Order prescribing amount of deposit and reciprocating provinces.

(a) The amount of the deposit to be made and maintained by the insurer shall be fixed by order of the Lieutenant-Governor in Council and the order shall declare what provinces are reciprocating provinces with respect to that insurer's deposit.

Deposit as security for contracts.

(b) The deposit shall be held and administered as security pari passu for the Ontario contracts of the insurer and for its contracts in any reciprocating province.

Certificate of Superintendent as to deposit.

(c) The Minister shall, upon the request of the official who issues or proposes to issue a licence to the insurer in another province, certify under his hand that the deposit is held in the manner provided by clause b,

and the Superintendent shall forward the certificate to that official and a copy to the Superintendent of Insurance in each province.

(d) Where, with respect to the outstanding contracts of Further deposit. the insurer, it appears to the Superintendent from the annual statement under section 74 or any examination of the affairs of the insurer that a further deposit for the purposes of this section is necessary, or where it appears to the Superintendent of Insurance for another province in which the insurer is licensed from any annual report made to him by the insurer or any examination of the affairs of the insurer that a further deposit for the purposes of this section is necessary and such Superintendent requests the Superintendent to obtain a further deposit, the insurer shall forthwith deposit such further sum as the Lieutenant-Governor in Council may fix.

239

(e) If the insurer obtains a Dominion licence extending Transfer of deposit to this or another province and as a Dominion licensee Minister of Transfer of the deposit to this or another province and as a Dominion licensee Minister of the deposit to the deposit makes a deposit under the Dominion Act, the Canada. Minister may, on the request of the insurer, authorize the Treasurer of Ontario to deliver to the insurer or to transfer to the Minister of Finance for Canada all or any part of such deposit as the Minister thinks fit having regard to the extent of the Dominion licence, and the Superintendent shall forthwith give notice of the delivery or transfer to the Superintendent of Insurance of each reciprocating province.

- (f) Where the licence of the insurer is suspended or Notice of suspension cancelled under this Act, the Superintendent shall or cancellation of forthwith give notice to the Superintendent of licence. Insurance in each province.
- (g) Where the insurer ceases to carry on insurance Cessation of business in Canada and its deposit may be with- Canada and drawn under this Act, the Superintendent shall of to Superintendent shall of the Superintendent shall sh notify the Superintendent of Insurance in each prov-tendent. ince, and all claims and liabilities arising in any such province shall be verified by the Superintendent of Insurance of that province and a statement thereof communicated to the Superintendent.

(h) Where the insurer ceases to transact business in or $\frac{\text{Cessation of business in}}{\text{constant}}$ its licence is suspended or cancelled in a reciprocating reciprocating province. province and notice thereof is given to the Superintendent, the Minister and the Superintendent, upon the request of the Superintendent in the reciprocating

province, may take any action that could be taken if the insurer ceased to transact business in or its licence was suspended or cancelled in Ontario.

Change of location of head office and transfer of deposit.

(2) The insurer shall not change the location of its head office to another province without the consent of the Minister, but where the Minister so consents, he may authorize the Superintendent to transfer the insurer's deposit to the Minister responsible for the deposit in that province or to the insurer, as the Minister in that province requests, and the Superintendent shall forthwith give notice of any change or transfer to the Superintendent of Insurance of each reciprocating province.

Exemption of insurer with head office for Canada in another province.

69.—(1) Where an insurer has its head office for Canada in another province and there makes a deposit of such amount as may be fixed by the proper authority in that province and under the laws of that province the deposit is held as security pari passu for its Ontario contracts and its contracts in every reciprocating province, the Minister, upon receipt of a certified copy of an order of the Lieutenant-Governor in Council of the province in which the deposit is made fixing the amount of the deposit and declaring that Ontario is a reciprocating province with respect to that insurer's deposit, and upon receipt of the consent of the insurer to its deposit being so held, shall exempt the insurer from the provisions of this Act requiring it to make and maintain a deposit.

Notice of ceasing to transact business.

(2) Where the insurer ceases to transact business in or its licence is suspended or cancelled in Ontario, the Superintendent shall forthwith give notice thereof to the Superintendent of Insurance of the province in which the reciprocal deposit is held and to the Superintendent of Insurance of each other reciprocating province.

Notice to insured persons under Ontario contracts.

(3) Where an order is made for the administration of a reciprocal deposit held in another province pursuant to subsection 1, the Superintendent, as soon as is reasonably possible after receipt of notice of the termination date fixed by the receiver, shall proceed pursuant to section 54 to give the notice required by that section to the insured persons under the Ontario contracts.

Transfer of deposit.

(4) Where a licensed insurer is exempted under this section, the Minister shall transfer its deposit under this Act to the Minister responsible for the deposit in the province in which the insurer has its head office or to the insurer, as that Minister requests.

Agreement to use securities to reinsure.

69a. At any time before the granting of an order for the administration of a reciprocal deposit, the Superintendent of

Insurance of each reciprocating province may enter into an agreement to use all or any part of the securities deposited for the purpose of reinsuring all or any part of the risks of the insurer outstanding in all or any of those provinces.

- 70.—(1) The Lieutenant-Governor in Council may, on Application being satisfied that any other province has enacted provisions to other identical with or substantially the same as sections 67 to 69. provinces. direct by Order in Council that those sections shall apply to that province.
- (2) A copy of every Order in Council under this section Copy of order to shall be sent to the Superintendent of Insurance in each Superintenprovince.
- 71.—(1) Where a licensed insurer, hereinafter called the Transfer of continuing insurer, has, by purchase or otherwise, acquired discontinuthe assets and assumed the liabilities within Ontario of another ing insurer to licensed insurer, hereinafter called the discontinuing insurer, insurer. or reinsured all the contracts of a discontinuing insurer outstanding within Ontario, the Lieutenant-Governor in Council may, upon the application of the continuing insurer, and upon the report of the Superintendent, direct the transfer of the deposit held by the Minister under this Act in the name of the discontinuing insurer to the continuing insurer.

- (2) In any such case the deposit so transferred shall there- Effect of after be treated and dealt with under this Act in the same manner as though it had been originally deposited by the continuing insurer.
- **6.** Section 170 of *The Insurance Act* is amended by striking Rev. Stat.. out the words "disentitling him" in the sixth line and inserting amended. in lieu thereof the words "which would disentitle him, by the law of England on the 1st day of January, 1951", so that the section shall read as follows:
 - 170. Where the wife or husband of the person whose life Circumstances dissinsured is designated as beneficiary, and it appears, entitling in the case of the wife, that she is living apart from husband as her husband in circumstances disentitling her to beneficiary. alimony, or in the case of the husband, that he is living apart from his wife in circumstances which would disentitle him, by the law of England on the 1st day of January, 1951, to an order for restitution of conjugal rights, and that there is no other member of the class of preferred beneficiaries whom the insured may designate as beneficiary in place of the designated beneficiary, the court may, on the application of the insured, and on such terms as may seem fit, declare the designated beneficiary disentitled to

claim the benefit of the provisions of this Part relating to preferred beneficiaries, and the insured may then deal with the policy as provided by section 161.

Rev. Stat... c. 183, s. 192, of The Insurance Act is repealed ol. g. and the following substituted therefor:

(g) "owner's policy" means a motor vehicle liability policy insuring a person named therein in respect of the ownership, operation or use of an automobile owned by him and specifically described in the policy and in respect of the ownership, operation or use of any other automobile which may be within the definition thereof appearing in the policy.

Rev. Stat.. c. 183, s. 194, S.—(1) Clauses b to f of subsection 3 of section 194 of subs. 3, cls. b-e, rec. anated; cl. therefor: therefor:

- (b) particulars of all accidents, losses or claims arising out of the ownership, use or operation of an automobile by the applicant within the three years preceding the application;
- (c) whether any insurer has cancelled any policy of automobile insurance of the applicant or refused automobile insurance to him;
- (d) whether any licence, permit, registration certificate or other like authority, issued to the applicant under a law or statute of any province, state or country relating to automobiles, has, to the knowledge of the applicant, been, or continued to be, suspended or cancelled within the three years preceding the application; and
- (e) such further information as the insurer may require or the Superintendent may prescribe.

Rev. Stat., c. 183, s. 194. (2) Subsection 4 of the said section 194 is repealed and the subs. 4, re-enacted. following substituted therefor:

Application in other cases.

- (4) Every other written application shall set forth,
 - (a) the name, address and occupation or business of the applicant;
 - (b) the description of the automobile to be insured as the described automobile;

- (c) the purchase price to the applicant of the automobile so described:
- (d) whether purchased new or otherwise;
- (e) particulars of any mortgage, lien or encumbrance thereon;
- (f) the place where it is and will usually be kept;
- (g) the locality in which and the purpose for which it is and will be chiefly used;
- (h) particulars of all accidents, losses or claims arising out of the ownership, use or operation of an automobile by the applicant within the three years preceding the application;
- (i) whether any insurer has cancelled any policy of automobile insurance of the applicant, or refused automobile insurance to him;
- (j) whether any licence, permit, registration certificate or other like authority, issued to the applicant or member of his family and household under any law or statute of any province, state or country relating to automobiles, has, to the knowledge of the applicant, been, or continued to be, suspended or cancelled within the three years preceding the application; and
- (k) such further information as the insurer may require or the Superintendent may prescribe.
- **9.**—(1) Section 197 of *The Insurance Act* is amended by Rev. Stat., inserting under the heading "Statutory Conditions" the amended. following:

In these statutory conditions, unless the context otherwise requires, the word "insured" means a person insured by the policy whether named or not,

(2) Statutory condition 3 in the said section 197 is amended Rev. Stat., by striking out clause a and by relettering clauses b and c as stat. con. 3, clauses a and b respectively, so that the statutory condition shall read as follows:

Uses Prohibited Without Permission **3.** Unless permission is expressly given by an endorsement of the policy and in consideration of an additional stated premium, the automobile shall not be rented or leased nor shall it be used:

Explosives

(a) to carry explosives; or

Taxicab or Bus (b) as a taxicab, public omnibus, livery, jitney, or sight-seeing conveyance or for carrying passengers for compensation or hire.

Rev. Stat.. c. 183, s. 197, stat. con. 4, and the following substituted therefor:

Trailers

4. In the case of indemnity afforded by motor vehicle liability policies, the automobile shall not be used for the towing of a trailer owned or hired by the insured that is not covered by like indemnity by the insurer; nor shall a trailer so covered by the policy be towed by an automobile owned or hired by the insured that is not covered by like indemnity by the insurer.

Liability in War damage that is caused directly or indirectly by bombardment, invasion, civil war, insurrection, rebellion, revolution, military or usurped power, or by operations of armed forces while engaged in hostilities, whether war be declared or not, or by civil commotion arising from any of the foregoing, unless the policy or an endorsement thereon expressly provides otherwise.

Rev. Stat., c. 183, s. 197, stat. con. 5, par. 1, amended.

(4) Paragraph 1 of statutory condition 5 in the said section 197 is amended by striking out the words "an automobile described in the policy" in the seventh and eighth lines and inserting in lieu thereof the words "the automobile", so that the paragraph shall read as follows:

Loss or Damage to Persons or Property

Insured to Give Notice of Accident and Claim (1) The insured shall promptly give to the insurer written notice, with all available particulars, of any accident involving loss or damage to persons or property, and of any claim made on account of accident; shall verify by affidavit or statutory declaration, if required by the insurer, that the claim arises out of the operation or use of the automobile and that the person operating or responsible for the operation of the automobile

at the time of the accident is a person insured by the policy; and shall forward immediately to the insurer every writ, letter, document or advice received by him from or on behalf of the claimant.

Rev. Stat., c. 183, s. 197, paragraph 1 of statutory condition 6 in the said section stat. con. 6, par. 1, amended. 197 is amended by striking out the first three lines and inserting in lieu thereof the following:

Loss or Damage to the Automobile (1) Upon the occurrence of loss of or damage to the automobile, the insured shall, if the loss or damage is covered by this policy:

Rev. Stat., c. 183, s. 197, stat. con. 9, repealed.

- (6) Statutory condition 9 in the said section 197 is repealed.
- Rev. Stat.. (7) Statutory conditions 10, 11, 12 and 13 in the said c. 183, s. 197, section 197 are renumbered as statutory conditions 9, 10, 10-13, renumbered. 11 and 12 respectively.

Rev. Stat., 10. Subsection 1 of section 200 of *The Insurance Act* is subs. 1, re-repealed and the following substituted therefor: enacted.

Misrepresentation or violation of conditions renders claim invalid.

(1) Where an applicant for a contract gives false particulars of the described automobile to be insured, to the prejudice of the insurer, or knowingly misrepresents or fails to disclose in the application any

fact required to be stated therein or where the insured violates a term or condition of the policy or commits a fraud, or makes a wilfully false statement with respect to a claim under the policy, a claim by the insured shall be invalid and the right of the insured to recover indemnity shall be forfeited.

- **11.** Section 207 of *The Insurance Act* is repealed and the $\frac{\text{Rev. Stat.}}{\text{c. }183, \text{ s. }207}$, following substituted therefor:
 - 207.—(1) Every owner's policy shall insure the person Coverage of owner's named therein and every other person who with policy. his consent personally drives any automobile speci-automobile fically described in the policy against the liability imposed by law upon the insured named therein or upon any such other person for loss or damage,
 - (a) arising from the ownership, use or operation of any such automobile within Canada, the continental United States of America or Alaska, or upon a vessel plying between ports thereof; and
 - (b) resulting from,
 - (i) bodily injury to or death of any person, or
 - (ii) damage to property, or
 - (iii) both.
 - (2) Nothing in subsection 1 shall preclude coverage Idem, other being provided in an owner's policy to the person named therein and such other persons as may be specified therein who with his consent personally drive any other automobile within the definition thereof appearing in the policy against the liability imposed by law upon the insured named therein or upon any such other person for loss or damage,
 - (a) arising from the ownership, use or operation of any such automobile within Canada, the continental United States of America or Alaska, or upon a vessel plying between ports thereof; and
 - (b) resulting from,
 - (i) bodily injury to or death of any person, or

- (ii) damage to property, or
- (iii) both.

Rights of unnamed insured.

(3) Any person insured by but not named in a policy may recover indemnity in the same manner and to the same extent as if named therein as the insured, and for that purpose shall be deemed to be a party to the contract and to have given consideration therefor.

Rev. Stat., c. 183, s. 208, cl. a, amended.

- **12.** Clause a of section 208 of *The Insurance Act* is amended by striking out the words "Canada or the United States of America" in the fifth and sixth lines and inserting in lieu thereof the words "Canada, the continental United States of America or Alaska", so that the clause shall read as follows:
 - (a) arising from the operation or use by him of any automobile, other than an automobile owned by or registered in the name of such insured, while he is personally in control as driver or occupant of such automobile within Canada, the continental United States of America or Alaska, or upon a vessel plying between ports within those countries; and

Rev. Stat., c. 183, s. 209, amended.

13. Section 209 of *The Insurance Act* is amended by adding thereto the following subsections:

Where more than one policy.

(2) Where a person is insured under more than one motor vehicle liability policy, whether the insurance is first loss insurance or excess, and a question arises under clause *b* of subsection 1 between an insurer and the insured or between the insurers as to which insurer shall undertake the obligation to defend in the name and on behalf of the insured, whether or not any insurer denies liability under its policy, the insured or any insurer may apply to the Supreme Court and the court shall give such directions as may appear proper with respect to the performance of the obligation.

Hearing.

(3) On an application under subsection 2, the only parties entitled to notice thereof and to be heard thereon shall be the insured and his insurers and no material or evidence used or taken upon such an application shall be admissible upon the trial of an action brought against the insured for loss or damage to persons or property arising out of the use of the automobile in respect of which the insurance is provided.

- (4) An order under subsection 2 shall not affect the Order. rights and obligations of the insurers with respect to payment of any indemnity under their respective policies.
- (5) Where the insured has indemnity under two or more Contribupolicies and one or more is or are excess insurance by virtue of section 212b, the insurers shall, as between themselves, contribute to the payment of expenses, costs and reimbursement provided for in subsection 1 in accordance with their respective liabilities for damages against the insured.
- **14.** Section 210 of *The Insurance Act* is repealed and the Rev. Stat. c. 183, s. 210, llowing substituted therefor: following substituted therefor:
 - 210. Subject to section 212a, the insurer shall not be Exceptions liable under an owner's policy or a driver's policy. liability.
 - (a) for any liability imposed by any workmen's compensation law upon the insured; or
 - (b) for loss or damage resulting from bodily injury to or the death of,
 - (i) the son, daughter, wife, husband, mother, father, brother or sister of the insured while being carried in or upon or entering or getting on to or alighting from the automobile, or
 - (ii) the insured,

or, unless the coverage is expressly extended under section 212,

- (c) to any person, not the owner of the automobile, engaged in the business of an automobile garage, repair shop or service station or as an automobile dealer, for loss or damage sustained while engaged in the operation or repair of the automobile: or
- (d) for any loss or damage resulting from bodily injury to or the death of any person being carried in or upon or entering or getting on to or alighting from the automobile; or
- (e) for loss of or damage to property carried in or upon the automobile or to any property

owned or rented by, or in the care, custody or control of the insured; or

(f) for loss or damage resulting from bodily injury to or the death of any employee of the insured while engaged in the operation or repair of the automobile.

Rev. Stat., c. 183, s. 212, re-enacted. **15.** Section 212 of *The Insurance Act* is repealed and the following substituted therefor:

Extended coverage.

212.—(1) The insurer may, by an endorsement on the policy and in consideration of an additional stated premium, and not otherwise, extend the coverage in the case of an owner's policy or driver's policy in whole or in part in any or all of the following respects, namely, the matters mentioned in clauses c, e and f of subsection 1 of section 210.

Idem.

(2) The insurer may, by an endorsement on the policy or by provision in the policy and in consideration of an additional stated premium, and not otherwise, extend the coverage in whole or in part in the case of an owner's policy or driver's policy in respect to the matter mentioned in clause d of subsection 1 of section 210.

Idem.

(3) The insurer may, in the case of an owner's policy, extend the coverage in whole or in part in respect of the operation or use of automobiles not owned by or registered in the name of the insured.

Idem.

(4) The insurer may, in the case of an owner's policy or a driver's policy, extend the coverage to such other matters as the Superintendent may approve.

Approval of Superintendent.

(5) No insurer shall extend the coverage under subsection 3 or 4 without the approval of the Superintendent as to the form of the extended coverage, the method of providing therefor and as to the necessity or otherwise of an additional stated premium for the coverage.

Extended coverage.

212a.—(1) An insurer issuing an owner's policy or a driver's policy may, in consideration of an additional stated premium, in addition to the other insuring agreements therein, agree to pay for each person who sustains bodily injury caused by an accident while driving, being carried in or upon, or entering or getting on to, or alighting from, the automobile

specifically described in the policy or within the definition thereof appearing in the policy, within Canada, the continental United States of America or Alaska, or upon a vessel plying between ports thereof, if the automobile is being used by the insured named in the policy or with his consent, all reasonable expenses incurred, within one year from the date of the accident as a result of the injury, for necessary medical, surgical, dental, ambulance, hospital, professional nursing and funeral services.

- (2) No insurer shall give the insurance under subsection Approval of 1 without the approval of the Superintendent as to dent.
- 212b.—(1) Subject to subsection 2, if the insured named Where other valid in a policy has or places any additional or other valid insurance. insurance of his interest in the subject matter of the contract, or any part thereof, the insurer shall be liable only for its rateable proportion of any loss or damage.
 - (2) Where a valid motor vehicle liability policy insures Where more a person named therein and that person is also motor insured under another valid motor vehicle liability vehicle policy as an unnamed insured, the first-mentioned policy shall be a first loss insurance and the secondmentioned policy shall be excess insurance only.
 - (3) A copy of subsections 1 and 2 shall be printed or Subss. 1, 2. stamped in conspicuous type not less in size than printed on 10-point upon every automobile insurance policy and those subsections shall constitute terms of the contract between the insurer and the insured and subsection 2 shall operate as between insurers.
- **16.** Section 213 of *The Insurance Act* is amended by Rev. Stat., striking out the figures "212" in the first line and inserting in amended. lieu thereof the figures and letter "212b", so that the section shall read as follows:
 - 213. Where any provision of sections 207 to 212b is Policy in special inapplicable by reason of the requirements of any cases. Act or, in the opinion of the Superintendent, unsuitable to any special form of contract, he may approve a form of motor vehicle liability policy sufficient or appropriate to insure the risks required or proposed to be insured and in that case those sections shall not apply.

Rev. Stat., c. 183, s. 214, subss. 5, 6, re-enacted.

17.—(1) Subsections 5 and 6 of section 214 of *The Insubss.* 5, 6, surance Act are repealed and the following substituted therefor:

Contribution among insurers.

(5) The insurer may require any other insurers liable to indemnify the insured in whole or in part in respect of judgments or claims referred to in subsection 1 to be made parties to the action and to contribute according to their respective liabilities, whether this be rateably or by way of first loss or excess insurance as the case may be, and the insured shall, on demand, furnish the insurer with particulars of all other insurance covering the subject matter of the contract.

Defence where excess or extended coverage. (6) Subject to subsection 7, where a policy provides, or if more than one policy, the policies provide for coverage in excess of the limits mentioned in section 211 or for extended coverage in pursuance of subsections 1, 2 and 4 of section 212, nothing in this section shall, with respect to such excess coverage or extended coverage, prevent any insurer from availing itself, as against a claimant, of any defence that the insurer is entitled to set up against the insured.

Rev. Stat., c. 183, s. 214, (2) The said section 214 is further amended by adding amended. thereto the following subsection:

Idem.

(10) An insurer shall be entitled to avail itself of subsection 9 notwithstanding that another insurer is defending in the name and on behalf of the insured an action to which its insured is a party.

Rev. Stat., c. 183, s. 218, amended by adding thereto the following subsection:

Extended coverage.

(4a) This Part shall not apply to insurance provided under section 212a.

Rev. Stat., c. 183, s. 290. subs. 8, amended. is amended by inserting after the word "section" in the first line the words "or section 290a", so that the subsection, exclusive of the clauses, shall read as follows:

Revocation.

(8) A licence issued under this section or section 290a may be revoked by the Superintendent if, after due investigation and a hearing, he determines that the holder of such licence,

Chap. 39

- (2) Subsection 9 of the said section 290 is amended by Rev. Stat., inserting after the word "licence" in third line the words subs. 9, "under this section and section 290a", so that the first five amended. lines of the subsection shall read as follows:
 - (9) In determing the granting or refusal of an application Advisory for a licence or renewal of licence, or the revocation hold hear of any existing licence, under this section and report. section 290a, the Superintendent may, and shall when so requested in writing by the applicant or licensee, appoint an advisory board consisting of,

.

- (3) Subsection 19 of the said section 290 is repealed and Rev. Stat., c. 183, s. 290, the following substituted therefor:
 - (19) Unless the Superintendent otherwise directs, an Salaried officer, or salaried employee of a licensed insurer who etc., acting without does not receive commissions, or an attorney or licence. salaried employee of a reciprocal or inter-insurance exchange at which no commission is paid except to such attorney may, without a licence, act for such insurer or exchange in the negotiation of any contracts of insurance or in the negotiation of the continuance or renewal of any contracts which the insurer or exchange may lawfully undertake, provided that officers or employees whose applications for licences as insurance agents or salesmen have been refused or whose licences have been revoked or suspended may not so act without the written approval of the Superintendent, and provided further in the cases of insurers authorized to undertake life insurance, only the officers and salaried employees of the head office who do not receive commissions may so act without a licence.

20. The Insurance Act is amended by adding thereto the Rev. Stat., following section:

LICENCES OF INSURANCE SALESMEN

290a.—(1) The Superintendent may issue to any person Licences of who has complied with the requirements of this Act a licence authorizing such person to act as a salesman on behalf of a licensed insurance agent or broker in negotiating contracts of insurance or in the negotiation of the continuance or renewal of any contracts such agent or broker may lawfully undertake.

Type of insurance covered.

(2) Licences so issued shall be for any classes of insurance other than life insurance.

Issue of licence.

(3) Upon written notice to the Superintendent that a licensed agent or broker has appointed a person as a salesman to act on his behalf, and upon due application of such person and payment by him of a fee of \$10, the Superintendent shall, if he is satisfied that the applicant is a suitable person to receive a licence, and has not been refused a licence as an an insurance agent or broker, or had such licence suspended or revoked, issue to the applicant a licence which shall state in substance that the holder is, during the term of the licence, authorized to act within Ontario as a salesman of such agent or broker.

Form of notice of appointment.

(4) Such notice of appointment by a licensed agent or broker other than a life insurance agent shall be upon a form furnished by the Superintendent and shall state that the appointee has been authorized in writing by the agent or broker to act as a salesman in the soliciting of and negotiating for insurance and shall be accompanied by a sworn statement of the appointee on a form furnished by the Superintendent which shall give his name, age, residence, the amount of monthly salary he is to receive for such employment, his present occupation and occupation for the five years next preceding the date of notice, particulars of any other employment in which he may be engaged, and such other information as the Superintendent may require.

Licence to exclude life insurance.

(5) The licence shall expressly exclude the business of life insurance, but nothing herein shall prevent the issuance to the same applicant of a licence as a life insurance agent, if due application is made upon written notice of appointment by a licensed insurer.

Notice of termination of empoyment.

(6) Where a licensed salesman ceases to be employed by the appointing agent or broker, notice in writing shall forthwith be given by the agent or broker to the Superintendent of such termination of employment with the reason therefor, and thereupon the licence shall be *ipso facto* suspended but such licence may be revived subject to the approval of the Superintendent upon filing a notice of the salesman's appointment by another agent or broker, and upon payment of a fee of \$1.

- (7) An agent or broker who fails to notify the Superin-Failure to tendent within thirty days of the termination of a notice. salesman's appointment as required by subsection 6 shall be guilty of an offence.
- (8) A licence issued under this section shall expire on Term and the 30th day of September next after its issue unless of licence. automatically suspended by notice pursuant to subsection 6 or unless revoked or suspended by the Superintendent; but such licence may, in the discretion of the Superintendent, be renewed for a succeeding year upon due application upon a form prescribed by the Superintendent giving such information as he may require, accompanied by a certificate of a licensed agent or broker respecting the salesman's appointment, and payment of a fee of \$10, without requiring anew the detailed information hereinbefore specified.
- (9) The holder of a licence issued under this section Who salesmay, during the term and validity of his licence, for act as salesman only for the agent or broker by whom he is appointed and within the limits of such agent's or broker's licence for classes of insurance other than life insurance.
- (10) Every person who assumes to act as a salesman of Offence. an insurance agent or broker without the licence required by this section, or while his licence as such is suspended, shall be guilty of an offence.
- **21.** Subsection 4 of section 300 of *The Insurance Act* is Rev. Stat., amended by striking out the words "act only in the name and" subs. 4. in the sixth line and inserting in lieu thereof the words "per-amended form office duties only", so that the subsection shall read as follows:
 - (4) The licence shall specify the officers who may act Officers thereunder in the name and on behalf of the cor-act under poration and every such officer shall file a statement or application and pay the fee required by this Act for individual agents, brokers or adjusters provided that employees who do not receive commissions and who perform office duties only on behalf of the corporation may so act by authority of the corporation licence although not named therein.
- **22.** Item 5 of Schedule A of *The Insurance Act* is amended Rev. Stat., by striking out the figures "50" in the second line and inserting Sched. A, in lieu thereof the figures "71", so that the item shall read as amended. follows:

Commencement.

23. Sections 2, 4, 5 and 7 to 18 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

24. This Act may be cited as The Insurance Amendment Act, 1951.

CHAPTER 40

An Act to amend The Judicature Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

- 1. Section 5 of *The Judicature Act* is amended by striking Rev. Stat., out the word "sixteen" in the third line and inserting in lieu amended. thereof the word "eighteen", so that the section shall read as follows:
 - 5. The High Court shall consist of a chief justice who High Court shall be the president thereof and who shall be called the Chief Justice of the High Court, and eighteen other judges.
- **2.** Section 74 of *The Judicature Act* is amended by adding Rev. Stat., thereto the following subsection:
 - (4) In this section, "duly qualified medical practitioner" Interpretaincludes a person licensed to practise dentistry under The Dentistry Act.

 Rev. Stat., c. 92.
- **3.** Section 1 shall come into force on a day to be named by $\frac{Commence}{ment}$. the Lieutenant-Governor by his Proclamation.
- 4. This Act may be cited as The Judicature Amendment Short title. Act, 1951.



An Act to amend The Jurors Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

- 1. Subsection 1 of section 2 of *The Jurors Act* is amended Rev. Stat., by striking out the word "male" in the second line, by in-subs. 1, serting after the word "his" in the fourth line the words "or her" and by inserting after the word "wife" in the fifth line the words "or husband", so that the subsection shall read as follows:
 - (1) Subject to section 42, and unless exempted or dis-Who qualiqualified, every person 21 or more years of age, liable to being a British subject by birth or naturalization serve. and in the possession of his or her natural faculties, and not infirm or decrepit, who or whose wife or husband is assessed upon the last revised assessment roll as owner or tenant in respect of real property of the value of not less than \$600 in cities and \$400 in towns, villages and townships shall be qualified and liable to serve as a juror on grand and petit juries in the Supreme Court, and in all courts of civil or criminal jurisdiction within the county in which he resides.
- **2.** Subsection 1 of section 3 of *The Jurors Act* is amended Rev. Stat., by adding thereto the following paragraphs:

 Subs. 1. amended.
 - 10a. Every woman who is a vowed member of a religious order and who lives in a convent or other religious community.
 - 13a. Every registered nurse.
 - 21. The wife or husband of every person mentioned in paragraphs 5, 6, 7, 8, 9, 11 and 12.
- 3. The Jurors Act is amended by adding thereto the follow-Rev. Stat., ing section:

 amended.

Notice by women desiring exemption.

3a.—(1) A woman who is served with a summons and does not desire to serve as a juror shall, within three days after the date of receipt of the summons by her, notify the sheriff in writing (Form 3A, Schedule D) that she claims exemption from service as a juror for a period of one year from the date of the notice, and upon such notice being given to the sheriff the woman shall be exempt from service as a juror for the said period of one year.

Enclosures with sum-

(2) When sending a summons to a woman, the sheriff shall enclose therewith a copy of this section and a copy of the notice (Form 3A, Schedule D).

Rev. Stat., c. 191, s. 42, subs. 5, amended. **4.** Subsection 5 of section 42 of *The Jurors Act* is amended by striking out the word "male" in the second line, so that the subsection shall read as follows:

Selection by district selectors.

(5) The district selectors shall then proceed to select, from among the persons 21 or more years of age resident in territory without municipal organization, a list of persons to serve as grand and petit jurors respectively with those to be selected from the local municipalities.

Rev. Stat., c. 191, s. 50, subs. 1, cls. a, b, c, re-enacted.

- **5.** Clauses a, b and c of subsection 1 of section 50 of *The Jurors Act* are repealed and the following substituted therefor:
 - (a) in the county of York, 625;
 - (b) in the county of Wentworth, 270; and
 - (c) in any other county, 180.

Rev. Stat., c. 191, s. 61, para. 4, amended.

- **6.** Paragraph 4 of section 61 of *The Jurors Act* is amended by adding at the end thereof the words "and such drafting and disposing of the numbers from the box or urn shall be done so that the panel when completed will not contain the name of a husband and his wife", so that the paragraph shall read as follows:
 - 4. The sheriff shall then proceed in like manner to draft and dispose of other numbers from the box or urn, until the necessary number for the panel has been completed, and such drafting and disposing of the numbers from the box or urn shall be done so that the panel when completed will not contain the name of a husband and his wife.

- 7. Subsection 1 of section 73 of *The Jurors Act* is amended Rev. Stat., by striking out the word "men" in the seventh line and subs. 1, inserting in lieu thereof the word "persons", so that the subsection shall read as follows:
 - (1) Where a full jury does not appear at a sittings of the If a full Supreme Court, or at a sittings of the county court appear a tales may or of the court of general sessions of the peace, or be granted. where, after the appearance of a full jury, by challenge of any of the parties, the jury is likely to remain untaken for default of jurors, the court may command the sheriff to name and appoint so many of such other able persons of the county then present, or who can be found, as will make up a full jury, and the sheriff shall return such persons to serve on the jury.
- **8.** The Jurors Act is amended by adding thereto the Rev. Stat., following section:
 - 73a. The presiding judge before whom a civil case is or How Jury may be heard may in his discretion on an application composed. made by or on behalf of the parties or any of them or at his own instance, make an order for the jury to be composed of men only or of women only, as the case may require, or may, on an application made by any woman, excuse such woman from service on a jury in respect of any case, civil or criminal, by reason of the nature of the evidence to be given or the issues to be tried.
- **9.**—(1) Form 1 in Schedule D to *The Jurors Act* is amended Rev. Stat., by striking out the word "men" where it occurs in the said Sched. D. Form and inserting in lieu thereof the word "persons", so amended. that the Form shall read as follows:

FORM 1

(Section 43)

In the Supreme Court of Ontario

George the Sixth, by the Grace of God, King, etc.

To Wit:

To the Sheriff of the......of.....

You are commanded that you cause to come before the Judge or other person holding the sittings of the Supreme Court (or County or District Court or Court of General Sessions of the Peace) at..... in your Bailiwick, on the.....day of....., 19..., all panels

concerning such sittings (and when the sittings are for the trial of criminal as well as civil cases), and also cause to come thirteen good and lawful persons of your Bailiwick duly qualified to serve as Grand Jurors at the said sittings; and also summon a competent number, being not less than.....good and lawful persons duly qualified to serve as Petit Jurors for the trial of (Criminal and) Civil issues; and that you and your deputy Sheriff, Bailiffs, and other officers then and there attend in your proper persons to do those things which to your and their offices appertain. And that you have then and there the names of all Jurors and Constables whom you shall cause to come before us. And have then and there this Precept.

Dated at, thisday of, 19.....

Rev. Stat., c. 191, Sched. D, amended.

(2) The said Schedule D is further amended by adding thereto the following Form:

FORM 3A

(Section 3a)

Notice to Sheriff

To the Sheriff of the	of
Take notice that I,hereby claim exemption from serv year from the date of this notice.	, being a woman, ice as a juror for a period of one
Dated at, this	day of, 19
Witness	Claimant

Rev. Stat., c. 191, amended. **10.** The Jurors Act is amended by striking out the words "juryman" and "jurymen" wherever they occur and inserting in lieu thereof the words "juror" and "jurors" respectively in each instance.

Commencement.

11. This Act shall come into force on the 1st day of January, 1952.

Short title.

12. This Act may be cited as The Jurors Amendment Act, 1951.

An Act to amend The Justices of the Peace Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of The Justices of the Peace Act is repealed.

Rev. Stat., c. 192, s. 6, repealed.

2. This Act may be cited as The Justices of the Peace Amend-Short title. ment Act, 1951.



An Act to amend The Land Titles Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

- 1. The Land Titles Act is amended by adding thereto the Rev. Stat., following section:

 amended.
 - 107a.—(1) The Inspector may by direction designate Designation any area as a subdivision plan area and thereafter division no transfer of the land in the area shall be entered for plan areas. registration.
 - (2) The direction shall be entered against each parcel Entry of direction of land affected thereby and such direction may be on register. deleted from the parcel register upon the application of the Inspector.
- 2. This Act may be cited as The Land Titles Amendment Short title. Act, 1951.



An Act to amend The Land Transfer Tax Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

- 1. Section 2 of *The Land Transfer Tax Act* is amended by Rev. Stat., striking out the words "and a registrar or master of titles not amended." paid by salary shall be entitled to retain to his own use two per cent of the moneys collected by him under subsection 1 of section 1" in the third, fourth, fifth and sixth lines, so that the section shall read as follows:
 - 2. The tax shall be collected by the registrar or master Collection of titles, as the case may be, before he registers the registrar or master transfer, conveyance, deed or other instrument.
- 2. Section 3 of *The Land Transfer Tax Act* is amended by Rev. Stat., striking out the words "less the percentage provided for in amended." section 2" in the fourth and fifth lines, so that the section shall read as follows:
 - 3. The registrar and master shall within the first week Monthly of each month send to the Treasurer of Ontario a registrar and master. statement of the amount collected during the previous month in respect of said tax and shall pay over the amount thereof to the Treasurer of Ontario for the uses of Ontario.
 - 3. Section 6 of The Land Transfer Tax Act is repealed.

 Rev. Stat., c. 198, s. 6, repealed.
- **4.** This Act shall come into force on the 1st day of April, Commence-1951.
- 5. This Act may be cited as The Land Transfer Tax Amend-Short title. ment Act, 1951.



An Act to amend The Law Society Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

- 1. The Law Society Act is amended by adding thereto the Rev. Stat., following section:
 - 51a.—(1) The benchers may establish a plan to provide Legal Aid legal aid to persons in need thereof, to be called "The Ontario Legal Aid Plan" and for such purpose may make such regulations as are deemed appropriate.
 - (2) In order to assist in the operation of the Plan the Legal Aid benchers may create a fund, to be called "The Legal Aid Fund", which shall be made up of such moneys as the regulations may provide for, including moneys recovered as costs and such moneys as the Society may provide from its general funds.
 - (3) A person who is assisted under the Plan shall have the Costs. right to recover and collect lawful costs in actions and proceedings in the same manner as if he had been able to pay the costs of his solicitor and counsel, and where he has not paid anything for such assistance any moneys so received and collected as costs shall vest in the Society and be paid into the Fund.
 - (4) Where moneys have been paid out of the Fund to a Remission solicitor for the purpose of enabling him to make fees. necessary disbursements in connection with services performed by him under the Plan and have been expended by him in the payment of Crown fees or charges and such moneys are not recoverable in any other manner, the Treasurer of Ontario may, on the certificate of the treasurer and secretary of the Society, remit such fees and charges to the Society.
- 2. This Act may be cited as The Law Society Amendment Short title. Act, 1951.



An Act to provide for the Regulation of Leaseholds

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. In this Act, the expression "Wartime Leasehold Regu-Wartime Leasehold Regulations" means,

 Regulations defined.
 - (a) the Orders in Council affecting dwelling places in Ontario made from time to time by the Governor-General in Council; and
 - (b) the orders and regulations made from time to time pursuant to authority conferred by such Orders in Council,

that by virtue of *The War Measures Act* (Canada), *The R.S.C.* 1927, *National Emergency Transitional Powers Act*, 1945 (Canada) c. 25 (Can.); and *The Continuation of Transitional Measures Act*, 1947 (Can.). (Canada) were in force immediately preceding the day on which such Orders in Council, orders and regulations ceased to be in force under the authority of the Parliament of Canada.

- 2. The administration of this Act shall be under the Administration trouble and direction of such minister as may be designated the Administration of Act. by the Lieutenant-Governor in Council.
- 3. The Wartime Leasehold Regulations shall continue Continuation force in Ontario as if they were enacted as part of this Wartime Act.

 Act. Leasehold Regulations.
- **4.** Anything heretofore done under and in accordance Continuawith the Wartime Leasehold Regulations shall be deemed to proceedings, have been done under and in accordance with this Act.
- 5.—(1) In order that matters of rentals and tenure may Powers of be dealt with and adjusted in a fair and equitable manner to Governor in

all parties, the Lieutenant-Governor in Council may exercise any of the powers formerly exercisable by the Wartime Prices and Trade Board with respect to the Wartime Leasehold Regulations, and without limiting the generality of the foregoing the Lieutenant-Governor in Council may make regulations,

- (a) providing for the administration and enforcement of the Wartime Leasehold Regulations;
- (b) in substitution of, revoking, amending or remaking any of the Wartime Leasehold Regulations.

Regulations may be limited.

(2) Any regulation made under subsection 1 may limit the application of the Wartime Leasehold Regulations or any part thereof as to time or place or both.

Power to make regulations before Act in force. **6.**—(1) In addition to the powers conferred by section 5, the Lieutenant-Governor in Council may make regulations in substitution of, revoking, amending or remaking any of the Wartime Leasehold Regulations at any time after the passing of this Act and before this Act comes into force, and any regulation made under this subsection shall be deemed to have been made on the day this Act comes into force.

Effective date of regulations.

Rev. Stat., c. 337. (2) Notwithstanding *The Regulations Act*, any regulation made under subsection 1 shall, when registered under that Act, come into force and have effect on and after the day this Act comes into force and shall be valid as against every person on and after that day.

Conflict of provisions.

7. Where there is a conflict between the provisions of this Act and any other law in force in Ontario, the provisions of this Act shall prevail.

Commencement. **8.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

9. This Act may be cited as The Leasehold Regulations Act, 1951.

An Act to amend The Liquor Licence Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

- 1. Section 20 of *The Liquor Licence Act* is amended by Rev. Stat., adding at the end thereof the words "as amended or re-enacted amended. from time to time", so that the section shall read as follows:
 - 20. The decisions, orders and rulings of the Board Finality shall be final and shall not be questioned, reviewed or restrained by injunction, prohibition, mandamus, quo warranto proceedings or other process or proceedings in any court, or be removed by certiorari or otherwise into any court; provided that the Board may or at the request of any person having a proprietary interest in the matter before the Board, shall state a case on a point of law only as provided in Part XV of the Criminal Code (Canada) as R.S.C. 1927, amended or re-enacted from time to time.
- 2. Section 36 of *The Liquor Licence Act* is repealed and the Rev. Stat., c. 211, s. 36, following substituted therefor:
 - 36.—(1) Every application shall be in the form prescribed Filing of by the regulations and shall be filed with the deputy tion. registrar of the licensing district in which are located the premises concerning which the application is made.
 - (2) No application for a licence shall be heard at any Leave to special meeting until leave has been granted by the apply. Board.
- **3.** Section 37 of *The Liquor Licence Act* is amended by Rev. Stat., adding at the commencement thereof the words "After leave amended." has been obtained under section 36" and by striking out the word "ten" in the twelfth line and inserting in lieu thereof the word "fifteen", so that the section shall read as follows:

Publication of notice.

- 37. After leave has been obtained under section 36, notice of the application for a licence in the form prescribed by the regulations shall be published twice.
 - (a) in a newspaper published in the municipality or community in which the premises for which the licence is sought are situated and having a general circulation in such municipality or community; or
 - (b) where no newspaper is published in the municipality or community in which such premises are situated, in a newspaper having a general circulation in such municipality or community,

and such publications shall be at least five clear days apart and the second of such publications shall be not less than fifteen clear days before the meeting of the Board at which the application is to be heard.

Rev. Stat., c. 211, s. 42, re-enacted.

4. Section 42 of *The Liquor Licence Act* is repealed and the following substituted therefor:

Powers of Board at hearing.

- 42. Upon the hearing of an application for cancellation of a licence, the Board may dismiss the application or make such order as it deems proper and in any such order may,
 - (a) cancel the licence;
 - (b) disqualify any person from holding a licence;
 - (c) disqualify any premises from being eligible as licensed premises; and
 - (d) impose such conditions upon the holder of the licence as the circumstances may require.

Rev. Stat., c. 211, amended.

5. The Liquor Licence Act is amended by adding thereto the following section:

Powers of Board to suspend licences, etc.

43a. The Board may suspend any licence or permit issued under this Act and shall give reasons therefor at the time of the hearing.

Rev. Stat., c. 211, amended.

6. The Liquor Licence Act is amended by adding thereto the following section:

- 68a.—(1) In any municipality to which section 68 does Provision not apply and in which no government store for certain circumstances. established and no Ontario wine store has been authorized and no premises have been licensed, the council may, and on petition as provided by section 69 shall, submit to the electors all or any of the questions in section 69.
- (2) If three-fifths of the electors voting on a question Where vote in the negative, no government store for the vote polled. sale of liquor or for the sale of beer only shall be established or no Ontario wine store shall be authorized or no premises shall be licensed, as the case may be, in the municipality.
- 7. Subsection 1 of section 69 of *The Liquor Licence Act* is Rev. Stat.. amended by inserting after the word "force" in the second subs. 1, line the words "or a vote has been taken under section 68a", so that the subsection, exclusive of the questions, shall read as follows:
 - (1) The council of any municipality in which a by-law submission mentioned in section 68 is in force or a vote has of question. been taken under section 68a may submit to a vote of the persons qualified to be entered on the voters' list and to vote at elections to the Assembly in the municipality, any of the following questions:
- **8.** Section 72 of *The Liquor Licence Act* is amended by Rev. Stat., inserting after the word "section" in the second line the amended. figures and letter "68a", so that the section shall read as follows:
 - 72. Where a question is submitted in a municipality Questions under section 68a, 69 or 70, neither that question submitted nor any other question shall be submitted in the again for municipality until after the expiration of a period of three years from the date of such submission; provided that the submission of question 4 set out in subsection 1 of section 70, within two years of the 1st day of January, 1947, shall not prevent the submission of any other question during the period of three years from the date of such submission.
- **9.**—(1) Subsection 1 of section 73 of *The Liquor Licence* Rev. Stat., *Act* is amended by inserting after the word "section" in the subs. 1, second line the figures and letter "68a", so that the sub-amended. section shall read as follows:

Appointment of managers for vote. (1) At least five weeks before the taking of a vote upon any question under section 68a, 69 or 70 the electors interested in obtaining an affirmative answer and a negative answer respectively to the question or questions, may notify the returning officer in writing, signed by at least 25 electors, that they have appointed a manager for their side of the question or questions and the manager may appoint agents at the polling places and generally shall have all the powers and perform all the duties and be subject to the like provisions as far as practicable as a candidate at an election to the Assembly, and in case more than one person is named as manager, the first person named on either side shall be manager.

Rev. Stat., c. 211, s. 73, subs. 2, amended.

(2) Subsection 2 of the said section 73 is amended by inserting after the word "section" in the second line the figures and letter "68a", so that the subsection shall read as follows:

Notice of filing of petition.

(2) When any petition has been filed with the clerk of the municipality pursuant to section 68a, 69 or 70, the clerk shall give notice in writing of such filing to each of the managers, and the managers shall, for a period of four weeks from the date of such notice, be entitled to examine and inspect the petition.

Rev. Stat., c. 211, amended. **10.** The Liquor Licence Act is amended by adding thereto the following section:

AMALGAMATIONS, ETC.

Amalgamations, annexations, not to affect status quo under Act.

80a.—(1) No amalgamation of a municipality with another municipality and no annexation of the whole or a portion of a municipality to another municipality shall affect the operation of this Act at the time of the amalgamation or annexation in the municipality amalgamated or municipality or portion annexed or elsewhere until such operation is affected pursuant to a vote under this Act in the municipality amalgamated or municipality or portion annexed, as the case may be.

Who entitled to vote.

(2) The persons qualified to vote upon any question or questions or to sign a petition pursuant to section 69 or 70 shall be the persons who are resident in the municipality amalgamated or municipality or portion annexed, as the case may be, and who are qualified to be entered on the voters' list and to vote at elections to the Assembly.

- 11. This Act shall come into force on the day it receives the Commencement. Royal Assent.
- 12. This Act may be cited as The Liquor Licence Amend-Short title. ment Act, 1951.



An Act to amend The Local Improvement Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Clause t of section 1 of *The Local Improvement Act* Rev. Stat., is repealed and the following substituted therefor:

 or t of t re-enacted.
 - (t) "published" means published in a newspaper in the municipality, or if there is no newspaper published in the municipality, in a newspaper published in an adjacent or neighbouring municipality; and "publication" has a corresponding meaning.
- **2.** Subsection 9 of section 49 of *The Local Improvement* Rev. Stat., a. 215, s. 49, are repealed and the following substituted therefor: subs. 9, re-enacted.
 - (9) When the amount realized from the debentures Disposal of exceeds the amount of the cost of the work, the excess sum shall be applied in the manner provided in subsection 2 of section 315 of *The Municipal Act*, Rev. Stat., unless all the rates have been levied under the by-law in which case the excess sum shall be paid *pro tanto* to the owners, at the time such payment is made, of the land on which the rates were levied.
- **3.** Subsection 2 of section 60 of *The Local Improvement Act* Rev. Stat., is amended by striking out the words "street lighting" in the subs. 2, first line and inserting in lieu thereof the words "any of the amended. services mentioned in subsection 1", so that the subsection shall read as follows:
 - (2) As to any of the services mentioned in subsection 1, Municipality the by-law may provide that a part of the annual part of cost. cost may be assessed upon the lands abutting directly on the street and that the remainder of such cost shall be assumed by the corporation at large.
- 4. This Act may be cited as The Local Improvement Amend-Short title. ment Act, 1951.



An Act to amend The Mental Hospitals Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- - (00) prescribing the amounts of contributions that may be made to public hospitals by the Minister under section 16a and the manner and conditions of making such contributions.
- 2. Subsection 2 of section 16 of *The Mental Hospitals Act* Rev. Stat., is amended by adding at the end thereof the words "or in subs. 2, such manner as may be prescribed by the regulations", so amended. that the subsection shall read as follows:
 - (2) The charges for such hospital treatment shall be Charges. paid by the patient unless he is an indigent person, in which case the charges shall be payable in the same manner as charges for indigent patients are payable under *The Public Hospitals Act* or in such Rev. Stat., manner as may be prescribed by the regulations.
- **3.** The Mental Hospitals Act is amended by adding thereto Rev. Stat., the following section:

 amended.
 - 16a. The Minister, out of such moneys as may be appro-Contributions by priated by the Legislature for the purpose, may Province. contribute toward the cost of treatment in public hospitals of indigent patients transferred thereto under subsection 1 of section 16 in such amounts, in such manner and under such conditions as may be prescribed by the regulations.
- 4. This Act may be cited as The Mental Hospitals Amend-Short title. ment Act, 1951.



281

CHAPTER 50

An Act to amend The Milk Control Act

Assented to March 21st. 1951. Session Prorogued April 5th, 1951.

TIS MAJESTY, by and with the advice and consent of . L the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Clause b of section 1 of *The Milk Control Act* is repealed Rev. Stat., and the following substituted therefor:

 cl. b, reenacted. and the following substituted therefor:
 - (b) "award" means an award made by the Board under this Act.
- 2. Section 2 of *The Milk Control Act* is amended by adding Rev. Stat., c. 233, s. 2, thereto the following subsection:
 - (5) In addition to his vote as a member of the Board, vote, the chairman shall have a casting vote.
- **3.** Subsection 1 of section 5 of *The Milk Control Act* is Rev. Stat., nended by adding thereto the following clause: subs. 1. amended by adding thereto the following clause:
 - (hh) after a public hearing, prescribe maximum prices at which milk may be sold by retail in any market.
- **4.** Section 8 of *The Milk Control Act* is repealed and the Rev. Stat., c. 233, s. 8, re-enacted. following substituted therefor:
 - 8.—(1) When collective bargaining has proceeded for Failure to two weeks, or sooner if the representatives of either arbitration. party are satisfied that an agreement under section 7 cannot be reached, they may, by notice to the representatives of the other party and to the Minister, require all matters in dispute to be referred to the Board which shall arbitrate the same after a public hearing.
 - (2) Each of the parties to the arbitration shall assume its Costs. own costs of the arbitration.

Rev. Stat., c. 233, s. 9, subss. 2, 3, re-enacted.

5. Subsections 2 and 3 of section 9 of *The Milk Control Act* are repealed and the following substituted therefor:

Term.

(2) Every agreement and award shall remain in force until a new agreement or award is in force.

Re-negotia-

(3) The Board may at any time upon the application of any party to an agreement or award provide for the re-negotiation of any of its terms by way of collective bargaining under section 7, and failing agreement, by arbitration under section 8.

Rev. Stat., c. 233, s. 11, subs. 1, amended.

6.—(1) Subsection 1 of section 11 of *The Milk Control Act* is amended by inserting after the word "producers" in the third line the words "or the marketing agency" and by striking out the words "may obtain the additional milk required as they see fit" in the seventh and eighth lines and inserting in lieu thereof the words "may obtain elsewhere the additional milk required at the prices determined by the agreement or award", so that the subsection shall read as follows:

Where additional milk required.

(1) If the processors or distributors in any market require additional milk to that provided for in the agreement or award, the producers or the marketing agency supplying the market shall, unless it is otherwise provided in the agreement or award, have the right of supplying the additional milk required at the prices determined by the agreement or award, failing which the processors or distributors may obtain elsewhere the additional milk required at the prices determined by the agreement or award.

Rev. Stat., c. 233, s. 11, subs. 2, amended.

(2) Subsection 2 of the said section 11 is amended by inserting after the word "producers" in the first line the words "or the marketing agency", so that the subsection shall read as follows:

Where additional milk produced.

(2) If the producers or the marketing agency supplying milk to a market have additional milk to that required to be supplied under the agreement or award, the processors or distributors shall, unless it is otherwise provided in the agreement or award, have the right of purchasing the additional milk at the prices determined by the agreement or award, failing which the producers may dispose of the additional milk as they see fit.

No increase in retail price of milk.

Rev. Stat., c. 233. 7.—(1) Any increase in the price at which milk is sold by retail in a market on or after the 15th day of March, 1951, and before a maximum price applicable in that market has been prescribed under *The Milk Control Act* is void and of no effect.

283

- (2) Every person who offers for sale or sells milk by retail Offence and in a market at a price higher than the retail price in that market on the 14th day of March, 1951, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$50 and not more than \$500.
- (3) Subsection 2 applies only to offers for sale and sales Application of subs. 2. made before a maximum price applicable in the market has been prescribed under The Milk Control Act.
- 8. This Act shall come into force on the day it receives Commencethe Royal Assent.
- 9. This Act may be cited as The Milk Control Amendment Short title. Act. 1951.

[Note.—Further amendments to The Milk Control Act and to The Milk Control Amendment Act, 1951 appear in sections 5 and 6 of The Statute Law Amendment Act, 1951 at page 378 of this volume.]



Chap. 51

CHAPTER 51

An Act to amend The Mining Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

TIS MAJESTY, by and with the advice and consent of 1 the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 69 of *The Mining Act* is repealed and the follow- Rev. Stat., 69, 8, 69 ing substituted therefor: re-enacted.
 - 69. The staking or recording of a mining claim shall Right of licensee to not confer upon the licensee the right to take or sand. gravel and stone. remove any sand, gravel or stone therefrom.
- 2. The Mining Act is amended by adding thereto the Rev. Stat., llowing Part: following Part:

PART VIA

QUARRY PERMITS

- 113a.—(1) No person shall take or remove or cause to Quarry be taken or removed from Crown lands any limestone, marble, granite, quartzite, feldspar, fluorspar or any other stone or rock quarried for any commercial or industrial purpose, or any gypsum, diatomaceous earth, clay, marl, peat, sand or gravel, unless he is the holder of a quarry permit.
- (2) Application for a quarry permit may be made in application; the prescribed form to the Minister or the Deputy Minister, but where the permit applied for is to authorize the taking or removal of less than 1,000 cubic yards or 1,000 tons of material the application may be made to a recorder.
- (3) The Minister, the Deputy Minister or a recorder issue; may issue quarry permits upon application therefor and upon payment of the prescribed fees.
- (4) Notwithstanding subsection 3, a quarry permit issue free of charge; may be issued free of charge to any municipality,

or to any resident of Ontario if the material to be taken or removed is for his own use and not for sale or for use for any commercial or industrial purpose, but where more than 100 cubic yards or 100 tons of material is to be taken or removed the permit shall not be issued free of charge without the approval of the Minister

term:

(5) Every quarry permit shall expire on the 31st day of March next following its date of issue unless it is otherwise stated in the permit.

transfer;

(6) No quarry permit shall be transferred without the written consent of the Minister or the Deputy Minister.

suspension.

(7) The Minister may suspend or revoke a quarry permit at any time.

Plan

(8) The Minister may require an applicant for a quarry permit to file a plan of the area in which he desires to operate indicating the extent and nature of the deposit and the location of any buildings or improvements adjacent to the deposit.

Amount to be paid for material removed;

113b.—(1) The holder of a quarry permit, other than the holder of a quarry permit issued free of charge, shall pay the Crown for the material taken or removed such amount as the Minister may determine.

how determined.

(2) In determining the amount to be paid under subsection 1, the Minister shall have regard to the location, type and accessibility of the deposit and the amount of the material taken or removed.

Security.

(3) The Minister may require the holder of a quarry permit to give security by bond or otherwise for the payment of such amounts.

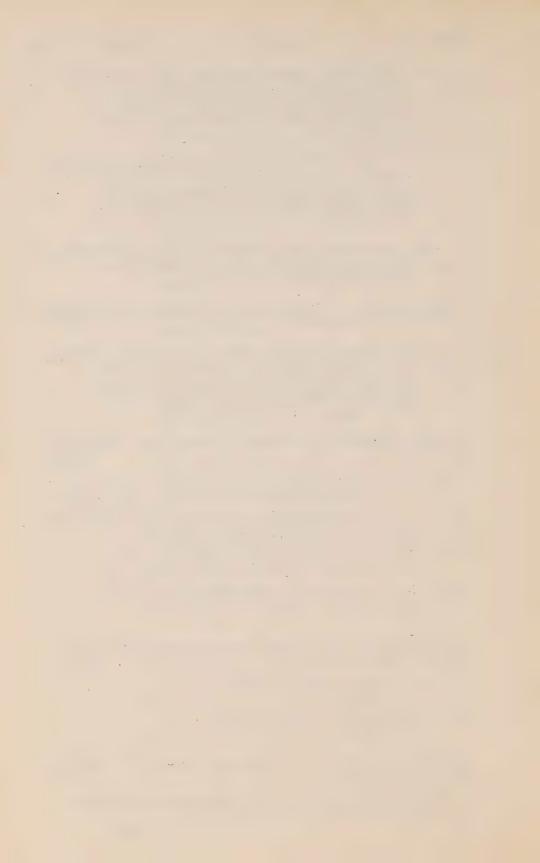
Records.

113c. The holder of a quarry permit shall keep a detailed record of his operations and shall retain copies of all documents relating to sales and shipments and all accounts, records and documents relating to his operations shall be kept available for inspection by any person authorized by the Minister to inspect such accounts, records and documents.

Power to inspect.

113d. Any person authorized by the Minister may enter any premises covered by a quarry permit and shall have access to all accounts, records and documents kept in relation to the operation of the quarry.

- 113e. The holder of a quarry permit shall make a return Returns on the prescribed form on or before the 10th day of each month showing the quantity and destination of the material taken or removed during the next preceding month.
- 113f. A quarry permit shall not affect the right of a Licensee licensee to stake out a mining claim on the lands covered by the permit and any question of property damage shall be determined in the manner provided in section 95.
- 113g. Every person who contravenes this Part shall be Penalty guilty of an offence and liable to a penalty of not less than \$10 and not more than \$500.
- **3.** Section 163 of *The Mining Act* is repealed and the Rev. Stat., following substituted therefor:
 - 163. The Minister may, out of any moneys appropriated Testing laboratories for the purpose, establish, maintain and operate one or more laboratories for the purpose of testing or examining hoisting ropes or other appliances used about a mine.
- **4.** The Mining Act is amended by adding thereto the Rev. Stat., following section:
 - 204. Where mining lands are forfeited to the Crown Lands forfeited under The Companies Act, the Minister may cause a to Crown certificate to be registered in the proper land titles Rev. Stat., or registry office stating that forfeiture has been effected under that Act and that by reason of such forfeiture the patent, lease or other title whereby such lands were granted has been cancelled and annulled, and upon the registration of the certificate such lands may be dealt with in the manner provided in this Act.
- **5.** The Schedule to *The Mining Act* is amended by adding Rev. Stat., thereto the following item: Sched., amended.
- **6.** This Act, except section 4, shall come into force on the Commenceday it receives the Royal Assent.
- 7. This Act may be cited as The Mining Amendment Short title. Act, 1951.



An Act to amend The Mothers' Allowances Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

TIS MAJESTY, by and with the advice and consent of 1 the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause e of section 1 of The Mothers' Allowances Rev. Stat., Act is amended by inserting after the word "person" in the cl. e, fifth line the words "or persons", so that the clause shall read as follows:
 - (e) "local authority" means an investigator and in addition where there is a welfare unit means the public welfare administrator or where there is no welfare unit means the clerk of the municipality or such other person or persons as the council with the approval of the Minister may appoint.
- (2) The said section 1 is further amended by adding thereto Rev. Stat., e. 142, s. 1, amended. the following clause:
 - (gg) "mother" includes a woman who in the opinion of the Commission is a suitable foster mother and a person who acts as trustee for an applicant or beneficiary pursuant to the regulations.
- 2. Section 2 of The Mothers' Allowances Act is repealed Rev. Stat., 242, 8. 2 and the following substituted therefor:
 - 2.—(1) Subject to this Act and the regulations, a Where allowmonthly allowance may be paid to a mother towards ance may be the support of one or more of her children who are under sixteen years of age and who reside with her in circumstances in which they would not be cared for properly without the assistance of an allowance,
 - (a) if she is a widow;

- (b) if her husband has deserted her and has not been heard of for at least one year;
- (c) if her husband is permanently unemployable;or
- (d) if she has divorced the father of the child or children and has been awarded custody of them in proceedings in which no provision was made for their maintenance or if made, the father has failed to carry out his obligations and has not been heard of for at least one year,

but in no such case shall an allowance be paid,

- (e) unless the mother resided in Ontario at the time she made the application for an allowance and had then been resident therein for at least one year;
- (f) unless the mother continues to reside in Ontario with her dependent children; and
- (g) unless the mother is in the opinion of the Commission a suitable person to receive an allowance.

Allowance for unemployable husband.

(2) Where a mother qualifies for an allowance under clause *c* of subsection 1, an additional allowance may be paid in respect of the husband in the same amount and manner as though the husband were a dependent child, but any allowance paid under this subsection shall cease to be paid when the youngest child becomes sixteen years of age.

Reaching 16 during school year. (3) Where a child in respect of whom an allowance is being paid is attending school and becomes sixteen years of age during the school year, the allowance shall, subject to this Act and the regulations and unless the child sooner ceases to attend school, continue to be paid until the conclusion of the school year.

Schooling after 16.

(4) In cases presenting special circumstances and in which the Commission is satisfied that the progress in school of a child in respect of which an allowance is being paid justifies the continuance of the allowance beyond the limits prescribed by this section,

- the Commission may continue the allowance for a further period, but not after the child becomes eighteen years of age.
- (5) In cases presenting special circumstances and in Mental or which the Commission is satisfied that a child in disability. respect of whom an allowance is being paid has a mental or physical disability which justifies the continuance of the allowance beyond the limits prescribed by this section, the Commission may continue the allowance for a further period, but not after the child becomes eighteen years of age.
- (6) In cases presenting special circumstances and in Special which investigation has shown the advisability of an allowance being granted in respect of children dependent upon a mother who is not strictly eligible for an allowance under the terms of this section, the Lieutenant-Governor in Council may nevertheless direct the payment of an allowance to such mother and fix the amount thereof.
- 3. This Act may be cited as The Mothers' Allowances short title. Amendment Act, 1951.



An Act to amend The Municipal Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 52 of *The Municipal Act* is repealed and the Rev. Stat., following substituted therefor:

 c. 243, s. 52, re-enacted.
 - 52. For the purposes of sections 49 to 51, the population Population shall be determined by the latest census made by Rev. Stat., the assessor under *The Assessment Act.*
- 2. Section 53 of *The Municipal Act* is amended by adding Rev. Stat., thereto the following subsections:
 - (5) The council of a village or township in a county Alternative and divided into wards may by by-law provide composition that thereafter the council, instead of being composed as provided in subsection 3, shall be composed of a reeve and deputy reeve, each to be elected by general vote, and a councillor to be elected for each ward and where there are less than five wards the by-law may also provide for an additional councillor to be elected for any ward having a population greater than 10,000.
 - (6) A by-law passed under subsection 5 shall not be Repeal. repealed until at least two annual elections have been held under it.
 - (7) A by-law for the purpose mentioned in subsection 5 Time for and a by-law repealing any such by-law shall not assent of be passed later in the year than the 1st day of electors. November and shall not be passed unless it has received the assent of the municipal electors.
 - (8) Every such by-law, including a repealing by-law, Effective shall take effect at and for the purpose of the annual date. election next after the passing of it.

3.

Rev. Stat., c. 243, s. 55, subs. 5, amended.

3. Subsection 5 of section 55 of *The Municipal Act* is amended by striking out the words "township or" in the first line, so that the subsection shall read as follows:

Qualification in new township.

(5) Where the inhabitants of a locality in unorganized territory have become incorporated as a township or a union of townships, the only qualification necessary at the first election shall be that the person is of the full age of 21 years, a British subject and a householder resident in the municipality.

Rev. Stat., c. 243, s. 56, subs. 1, cl. t, amended.

- **4.**—(1) Clause t of subsection 1 of section 56 of *The Municipal Act* is amended by striking out the word "nomination" in the second and third lines and inserting in lieu thereof the words "opening of the nomination meeting", so that the clause shall read as follows:
 - (t) an owner or tenant against the land in respect of which he qualifies there are at the time of the opening of the nomination meeting any taxes of a preceding year or years overdue and unpaid.

Rev. Stat., c. 243, s. 56, c. 2) Clause w of subsection 1 of the said section 56 is amended subsection. by striking out the word "nomination" in the second line and inserting in lieu thereof the words "opening of the nomination meeting", so that the clause shall read as follows:

(w) a person whose taxes in respect of an assessment for business at the time of the opening of the nomination meeting are overdue and unpaid.

Rev. Stat., c. 243, s. 72, subs. 1, cl. c, Act is repealed and the following substituted therefor:

(c) a certificate of the treasurer or collector that there were, at the time of the opening of the nomination meeting, no unpaid taxes for any preceding year against the land in respect of which he is qualifying, or a statutory declaration to the same effect.

Rev. Stat., c. 243, s. 77, subs. 3, amended.

6.—(1) Subsection 3 of section 77 of *The Municipal Act* is amended by striking out the word "shall" in the third line and inserting in lieu thereof the word "may", so that the subsection shall read as follows:

Idem; in wards.

(3) Where two or more members other than a deputy reeve are elected in a ward, the by-law passed under subsection 1 may provide that of the members elected the one-half, or in the case of an uneven number the majority, receiving the highest number of votes shall remain in office for a two-year term

and the remainder shall remain in office for a oneyear term and thereafter all the members shall be elected for a two-year term.

- (2) Subsection 4 of the said section 77 is amended by striking Rev. Stat., c. 243, s. 77, out the word "shall" where it occurs the first time in the third subs. line and inserting in lieu thereof the word "may", so that the amended. subsection shall read as follows:
 - (4) Where only one member, other than a deputy reeve, Where one member is elected in a ward, the by-law passed under sub-only section 1 may provide that such member shall be elected for a one-year term and at every election thereafter, for a two-vear term,

- 7. Section 84 of The Municipal Act is repealed and the Rev. Stat., c. 243, s. 84, following substituted therefor:
 - 84. In any local municipality where difficulty arises in Polling obtaining a suitable polling place in any polling subdivision, by-laws may be passed by the council of the municipality for providing a polling place for the polling subdivision in an adjoining polling subdivision.
- **8.** Clause a of subsection 1 of section 106 of The Municipal Rev. Stat., ct is repealed and the following substituted therefor:

 Subs. 1, cl. a, re-enacted. Act is repealed and the following substituted therefor:
 - (a) the date of the return of the assessment roll upon which the voters' list is based; and
- **9.** Section 156 of *The Municipal Act* is amended by adding $\frac{\text{Rev. Stat.}}{\text{c. 243. s. 156}}$, at the end thereof the words "and no candidate shall be present amended." in a polling place at the counting of the votes if his agent is in the polling place", so that the section shall read as follows:
 - 156. A candidate may undertake the duties which his Candidate may undertake agent might undertake, or he may assist his agent take duties of an agent. in the performance of such duties, and may be present at any place at which his agent is authorized to be present, but no candidate shall be present at the marking of a ballot paper under section 120 and no candidate shall be present in a polling place at the counting of the votes if his agent is in the polling place.
- **10.** Section 298 of *The Municipal Act* is amended by Rev. Stat., c. 243, s. 298, ding thereto the following subsection: adding thereto the following subsection:

General levy to be reduced by receipts, etc.

(4a) Notwithstanding subsection 4, it shall not be necessary in any year to levy any greater rate than is required to pay the instalment after taking into account receipts from any special rate or from any source in respect of the undertaking for which the money was raised.

Rev. Stat., c. 243, s. 301, **11.** Subsection 1 of section 301 of *The Municipal Act* is subs. 1, repealed and the following substituted therefor:

Contracts for supply of public utility.

Rev. Stat., c. 320. (1) A municipal corporation with the assent of the electors may enter into a contract for the supply of a public utility as defined in *The Public Utilities Act* to the municipal corporation for its use or for resale or to the inhabitants thereof for their use for any period not exceeding 20 years and may with the like assent renew such contract from time to time for further periods not exceeding 20 years at any one time.

Rev. Stat., c. 243, s. 312, re-enacted. **12.** Section 312 of *The Municipal Act* is repealed and the following substituted therefor:

Reserve funds.

Rev. Stat., c. 96. 312.—(1) Every municipality as defined in The Department of Municipal Affairs Act, and every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory, may in each year, if authorized by a two-thirds vote of the members, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds, provided that where the approval of the council is required by law for a capital expenditure or the issue of debentures of or on behalf of a local board, the approval of the council of a provision in the estimates of the local board for a reserve fund shall be obtained.

Investments and income.

Rev. Stat., c. 400. (2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall form part of the reserve fund.

Expenditure of reserve fund moneys.

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Department.

- (4) The auditor in his annual report shall report on the Auditor to activities and position of each reserve fund established reserve funds. under subsection 1.
- 13. Section 315 of *The Municipal Act* is amended by adding Rev. Stat., thereto the following subsection:

 amended.
 - (2) When the amount realized from the debentures is Application of surplus in excess of that required for the purpose or purposes funds raised on debenders were issued, the excess tures. amount shall be applied as follows:
 - (a) where the amount is sufficient to redeem one or more debentures of the latest maturity, it shall be applied for that purpose if any such debentures are redeemable:
 - (b) where no such debentures are redeemable or where the amount is not sufficient to redeem a debenture, or where a balance remains after redemption as required by clause a, the amount or the balance, as the case may be, shall be applied on the next annual payment of principal and interest on the debentures, and the next levy made for such purpose shall be reduced accordingly.
- 14. The Municipal Act is amended by adding thereto the Rev. Stat., following section:
 - 350a.—(1) The council of a local municipality, as a Prescription preliminary step to the widening of a highway or line. any part thereof, may pass by-laws fixing as a building line the minimum distance from the limit of the highway at which buildings may thereafter be erected or placed, and prohibiting the erection or placing of any building or part thereof closer to the limit of the highway than the distance fixed by the by-law.
 - (2) A by-law under subsection 1 shall not come into Approval of force until it is approved by the Municipal Board, Board, and when so approved shall not be amended or repealed except with the approval of the Board and on such terms as the Board may determine.
 - (3) The council shall, in such manner and to such per-Noticesons as the Municipal Board may direct, give notice of its application to the Municipal Board for approval of any by-law passed under this section.
 - (4) The building line fixed by the by-law shall not be Maximum distant more than 20 feet from the limit of the high-line. way.

Exceptions.

Rev. Stat., c. 277. (5) Notwithstanding subsection 4, for the purpose of carrying out an official plan in effect under *The Planning Act*, or for the purpose of improving the appearance or utility of the highway, the Municipal Board may authorize the establishment of the building line at a distance greater than 20 feet from the limit of the highway in respect of any part or parts of the highway.

Building line need not be uniform.

(6) The distance between the limit of the highway and the building line need not be the same for all parts of the highway or part of a highway in respect of which the by-law is passed.

Exceptions from operation of by-law.

(7) A by-law passed under subsection 1 shall not prevent the erection or placing closer to the limit of the highway than the distance fixed in the by-law of any one-storey shop or building front of such temporary character, conformable to the existing by-laws and regulations, as may be reasonable.

Compulsory acquisition of land.

- (8) After the by-law has been passed and approved by the Municipal Board,
 - (a) if three-quarters of the frontage measured along one limit of the highway between two streets intersecting the highway is clear of buildings, other than one-storey shop or building fronts, back to the building line; or
 - (b) if, at any time after the expiration of 10 years from the date of the by-law, a majority of the owners of the land fronting and abutting on one limit of the highway between two streets intersecting the highway so petition in writing,

the municipality shall acquire the land fronting and abutting on that limit of the highway and lying between the two streets intersecting the highway and between the limit of the highway and the building line.

Board may authorize delay.

(9) Notwithstanding that the conditions set out in clause *a* of subsection 8 have been fulfilled, the Municipal Board may from time to time authorize the municipality to delay its acquisition of the land in question, but no such authority shall be given so as to delay the acquisition beyond 10 years from the date of the by-law.

- (10) Where that part of the land of any owner lying Conveyance between the limit of the highway and the building pality when line is or becomes clear of buildings and the owner offers to convey that part to the municipality, the municipality shall accept the conveyance and shall be liable for compensation to the owner or the persons entitled thereto to the same extent as if the by-law had been passed to widen the highway.
- (11) In determining the compensation payable by the Limitation municipality for the taking of lands for the widening sation.

 of a portion of a highway in respect of which a building line has been fixed under this section, the municipality shall not be liable to pay compensation for or in respect of any building erected in contravention of the by-law fixing the building line.
- (12) Notwithstanding anything in this or any other Act By-law not to give rise and except as provided in subsection 10, the muni-to claims. cipality shall not be liable to pay any compensation or damages by reason of having passed a by-law under subsection 1.
- (13) Every by-law under this section, when approved by Registration the Municipal Board, shall be registered in the proper plan of registry office and when tendered for registration work. shall have attached thereto a plan or plans and any supplementary memorandum which may be needed to furnish adequate local description to comply with The Registry Act, prepared by an Ontario land sur-Rev. Stat., veyor and showing the position of the building line c. 336. in relation to the limit of the highway.
- 15.—(1) Paragraph 6 of section 386 of *The Municipal Act* Rev. Stat., is amended by striking out the words "street railway company par. 6, for watering" in the first and second lines and inserting in amended. lieu thereof the words "company, board or commission operating a transportation system in the municipality for watering or oiling", so that the paragraph shall read as follows:
 - 6. For contracting with a company, board or commis-contracts sion operating a transportation system in the muni-for street cipality for watering or oiling any of the highways or oiling for any number of years, not exceeding five, and for renewing such contract from time to time for a period not exceeding five years.
- (2) Paragraph 52 of the said section 386 is amended by Rev. Stat., c. 243, s. 386, adding thereto the following clauses:

 Rev. Stat., c. 243, s. 386, par. 52, amended.
 - (a) A by-law for acquiring, establishing, laying out and Levy of parking lot improving a parking lot may provide, with the cost against approval area.

approval of the Municipal Board, that the capital cost thereof, or any part thereof, shall be levied against the lands in a defined area in the municipality which in the opinion of the council derive special benefit therefrom, and in that case the by-law shall have appended thereto a schedule establishing the portion of the cost that shall be levied against each parcel of land in the defined area.

Amount of individual levies.

(b) In determining the portion chargeable to each parcel, regard shall be had to the benefit accruing to that parcel from the establishment of the parking lot, so that the entire cost chargeable to lands in the defined area shall be equitably apportioned between all the parcels in accordance with the benefits received.

Notice of application.

(c) Where the capital cost or a part thereof is to be levied as provided in clause a, the council shall give notice of its application to the Municipal Board for approval of the by-law, to the assessed owner of each parcel of land in the defined area.

Petition against approval.

(d) The Municipal Board shall not approve the by-law if a petition objecting to the levy of the capital cost against the defined area, signed by at least two-thirds of the assessed owners representing at least one-half of the assessed value of the land in the area, is filed with the Board at or prior to the hearing of the application.

Levy in one year.

(e) The capital cost or part thereof to be levied against lands under clause a shall be raised by a special levy against the lands in one year in accordance with the schedule appended to the by-law.

Rev. Stat., c. 243, s. 388, subs. 1, par. 10, re-enacted.

16.—(1) Paragraph 10 of subsection 1 of section 388 of *The Municipal Act* is repealed and the following substituted therefor:

Establishing grades of streets and levels of basements.

10. For fixing grade lines of streets; for providing that the levels of cellars and basements on such streets shall bear a relation, fixed in the by-law, to such lines; and for requiring that a ground or block plan of any proposed building be deposited with an officer named in the by-law, before the issue of a building permit for such building, showing the levels of the cellars and basements in relation to the grade lines fixed in the by-law.

- (2) Paragraph 37 of subsection 1 of the said section 388 Rev. Stat., e. 243, s. 388, is amended by inserting after the word "firearms" in the second subs. 1, par. 37, line the words "and air-guns, spring-guns or any class or type amended. of spring-gun", so that the paragraph shall read as follows:
 - 37. For prohibiting or regulating the discharge of guns Discharge or other firearms, and air-guns, spring-guns or any fireworks, class or type of spring-gun, and the firing and setting off of fireballs, squibs, crackers or fireworks.

(3) Paragraph 63 of subsection 1 of the said section 388 e. 243, s. 388, amended by adding thereto the following clause:

Rev. Stat., c. 243, s. 388, subs. 1, par. 63, is amended by adding thereto the following clause:

amended.

(d) Where land has been acquired under The Industrial Application of receipts Sites Act, being chapter 268 of the Revised Statutes where debt outstanding. of Ontario, 1937, or under a by-law passed under this paragraph, and any debt is outstanding in respect of the acquisition of the land, or in respect of any services supplied to the land, other than services supplied under The Local Improvement Act, all Rev. Stat., moneys received from the sale or lease of such land shall be used to retire the debt or shall be set aside as a fund to provide for the retirement of the debt unless the Department, upon the request of the council, approves the use of any of such moneys for another purpose; and when the debt is retired or the amount in the fund is sufficient to provide for the complete retirement of the debt, the balance of such moneys on hand and any such moneys received thereafter shall be credited to the general funds of the municipality.

(4) Clause b of paragraph 70 of subsection 1 of the said $\frac{\text{Rev. Stat.}}{\text{c. 243. s. 388}}$, section 388 is repealed and the following substituted therefor: $\frac{\text{Subs. 1}}{\text{par. 70, el. }b}$,

re-enacted.

- (b) No person shall incur a penalty for an infraction of the by-law until ninety days after notice from the corporation of the existence of the by-law and such notice may be given by publication in The Ontario Gazette for four successive weeks and by publication within the meaning of section 1 once a week for four successive weeks.
- (5) Paragraph 109 of subsection 1 of the said section 388 Rev. Stat., is amended by striking out the word "city" in the fourth line subs. 1, and inserting in lieu thereof the word "municipality", so that par. 109, amended. the paragraph, exclusive of clause a, shall read as follows:
 - 109. Requiring all residents in the municipality owning Licensing and using any wheeled vehicle other than a motor wheeled vehicle as defined in *The Highway Traffic Act* to vehicles. Rev. Stat., obtain a licence therefor before using the same upon c. 167.

any highway of the municipality; limiting the weight or size of loads that may be carried thereon; regulating the issuing of such licences and the collection of fees therefor; fixing an annual fee not exceeding \$1 for such licences, which shall be approved of by the Municipal Board; fixing a scale of fees for different vehicles; imposing penalties not exceeding \$5 exclusive of costs upon all persons who contravene any such by-law; and providing that such penalties may be recoverable in the manner provided by this Act.

Rev. Stat., c. 243, s. 388, do Subsection 1 of the said section 388 is further amended subs. 1, amended. by adding thereto the following paragraph:

P.A. systems, etc.

112a. For licensing, regulating and governing the owners or operators of public address systems, sound equipment, loud speakers or similar devices when used on a highway, public lands or lands adjacent thereto, or when emitting sound thereto.

Rev. Stat..

c. 243, s. 390, The Municipal Act is amended by inserting after the word mended.

"its" in the third line the word "rocky", so that the paragraph shall read as follows:

Rocky and marshy lands.

3. For prohibiting the erection of a building or structure for residential or commercial purposes on land where by reason of its rocky, low-lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive.

Rev. Stat.. (2) Paragraph 4 of subsection 1 of the said section 390 is subs. 1, par. 4, amended by inserting after the word "location" in the second line the words "size, floor area", so that the paragraph shall read as follows:

Construction of buildings and structures.

4. For regulating the cost or type of construction and the height, bulk, location, size, floor area, spacing, external design, character and use of buildings or structures to be erected within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof which any building or structure may occupy.

Rev. Stat.. c. 243, s. 390, subs. 1, amended by inserting after the word "loading" in the third line the words "or parking", so that the paragraph shall read as follows:

- 5. For requiring the owners or occupants of buildings Loading or structures to be erected or used for a purpose and parking named in the by-law, to provide and maintain space. loading or parking facilities on land that is not part of a highway.
- (4) The said section 390 is further amended by adding Rev. Stat., c. 243, s. 390, thereto the following subsection:
 - (3a) A by-law passed under this section may provide for Certificates the issue of certificates of occupancy without which paney. no change may be made in the type of use of any land covered by the by-law or of any building or structure on any such land, but no such certificate shall be refused if the proposed use is not prohibited by the by-law.
- (5) Subsection 10 of the said section 390 is amended by Rev. Stat.. striking out the words "the intention of the council to apply" subs. 10, in the second and third lines and inserting in lieu thereof the amended. words "its application", so that the subsection shall read as follows:
 - (10) The council shall, in such manner and to such Notice of application. persons as the Municipal Board may direct, give notice of its application to the Municipal Board for approval of any by-law passed under this section.
- **18.**—(1) Paragraph 6 of section 392 of *The Municipal Act* Rev. Stat., is amended by striking out the word "and" in the second line par. 6, amended. and inserting in lieu thereof the words "coke, oil or", so that the paragraph, exclusive of the clauses, shall read as follows:
 - 6. For regulating the measuring or weighing of lime, Measuring, shingles, laths, cordwood, coal, coke, oil or other etc. certain articles. fuel.
- (2) Clause a of paragraph 6 of the said section 392 is $_{\text{Rev. Stat.}}$, amended by inserting after the article "the" in the second $_{\text{par. 6. cl. }}^{\text{c. 243, s. 392.}}$ line the words "measuring or", so that the clause shall read $_{\text{amended.}}^{\text{amended.}}$ as follows:
 - (a) A by-law passed by a municipality under this para-Measuring graph may be made applicable to the measuring or or weighing weighing of coal and other fuel to be delivered within delivery beyond the municipality or to a point not more than three municipal limits. miles beyond its limits.
- 19. Paragraph 1 of section 397 of The Municipal Act Rev. Stat...
 c. 243, s. 397,
 par. 1,
 repealed. is repealed.
- **20.**—(1) Subsection 1 of section 399 of *The Municipal Act* Rev. Stat.. is amended by striking out the words "having a population c. 243, s. 399, is amended by striking out the words"

of not less than 100,000" in the second line and inserting in lieu thereof the words "and towns", so that the subsection, exclusive of the paragraphs, shall read as follows:

(1) By-laws may be passed by the councils of cities and towns:

State (2) Subscribes A of the soil of

Rev. Stat., c. 243, s. 399, subs. 4, amended.

(2) Subsection 4 of the said section 399 is amended by inserting after the figures "1949" in the fourth line the words "in the case of cities having a population of not less than 100,000 and on the 1st day of April, 1951, in the case of other cities and towns", so that the subsection shall read as follows:

Exceptions.

(4) Subject to subsections 5 to 9, no by-law passed under this section shall apply to any apparatus, device, mechanism or structures referred to in paragraph 1 of subsection 1 on premises which, on the 1st day of April, 1949, in the case of cities having a population of not less than 100,000 and on the 1st day of April, 1951, in the case of other cities and towns, were used for the reduction, refining or smelting of ores or minerals or the manufacturing of cement, brick or tiles or as dwelling houses, except apartment houses, so long as the premises continue to be used for such purposes.

Rev. Stat., c. 243, s. 410, subs. 1, par. 8, amended.

- **21.** Paragraph 8 of subsection 1 of section 410 of *The Municipal Act* is amended by adding thereto the following clause:
 - (b) A by-law of a county passed under this paragraph shall not have force in a town, village or township which has passed a by-law for a similar purpose.

Rev. Stat., c. 243, s. 413, par. 2, amended.

22.—(1) Paragraph 2 of section 413 of *The Municipal Act* is amended by striking out the word "and" in the second line and by adding at the end thereof the words "and persons who install septic tanks", so that the paragraph shall read as follows:

Drain contractors, etc.

- For licensing, regulating and governing drain contractors, drain layers and persons who install septic tanks.
- Rev. Stat., c. 243, s. 413, amended. (2) The said section 413 is further amended by adding amended. thereto the following paragraphs:

Barber shops, etc. 1a. For licensing, regulating and governing the owners of barber shops and hairdressing establishments, and for revoking any such licence.

.

- 2a. For licensing, regulating and governing persons who Driving carry on the business of teaching persons to operate motor vehicles, and for regulating and governing the equipment used in such business, and for revoking any such licence.
 - (a) The licence fee shall not exceed \$50.

Fee.

- 8a. For licensing, regulating and governing vehicles from Refreshwhich refreshments are sold for consumption by the wehicles. public, and for revoking any such licence.
- 23. Section 422 of The Municipal Act is repealed and the Rev. Stat., c. 243, s. 422, re-enacted. following substituted therefor:
 - 422.—(1) The council of a municipality having a Industries population of not less than 5,000 may pass by-laws and comfor the establishment and maintenance of a depart-missioner. ment of industries and for appointing a commissioner of industries to bring to the notice of manufacturers and others the advantages of the municipality as an industrial, business, educational, residential or vacation centre.

- (2) The council of a local municipality may expend Expenditures in any year a sum not exceeding the amount of one publicity. mill in the dollar on the total of its taxable assessment up to \$10,000,000 of taxable assessment, and an additional one-tenth of one mill in the dollar on that part of its total taxable assessment in excess of \$10,000,000 for the purpose of paying any expenses of its department and commissioner of industries, if any, and for the purpose of diffusing information respecting the advantages of the municipality as an industrial, business, educational, residential or vacation centre, but no local municipality shall expend in one year an amount exceeding \$60,000 for such purposes.
- (3) The council of a county may expend in any year Idem. a sum not exceeding \$1,500 for the purposes mentioned in subsection 2.
- (4) Any two or more municipalities may pool their funds Pooling expenditures. and act jointly for the purposes of this section.
- (5) Notwithstanding the limits prescribed in subsections Exceeding 2 and 3, with the assent of the electors qualified to prescribed vote on money by-laws, the council of any municipality may expend in any year such sum for the purposes of this section as may be so assented to.

Rev. Stat., c. 243, s. 515, amended. **24.** Section 515 of *The Municipal Act* is amended by adding thereto the following subsection:

Establishment of joint fire departments. (2) For the purposes of paragraph 4 of section 405, and for the purposes of the joint management and operation of fire departments under paragraph 5 of section 386, the trustees shall have all the powers of the council of a township, except the power to issue debentures.

Rev. Stat., c. 243, Form 9, amended. **25.** Form 9 to *The Municipal Act* is amended by striking out the words "finally revised" in the seventh line and inserting in lieu thereof the word "returned".

Commencement. **26.**—(1) This Act, except subsection 3 of section 16, shall come into force on the day it receives the Royal Assent.

Idem.

(2) Subsection 3 of section 16 shall be deemed to have come into force on the 2nd day of February, 1951.

Short title.

27. This Act may be cited as The Municipal Amendment Act, 1951.

An Act to amend The Natural Gas Conservation Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 4 of *The Natural Gas Conservation Act* is amended Rev. Stat.. by adding thereto the following subsection:
 - (2) If the owner of any petroleum or natural gas rights Reference within any portion of an area designated as a gas storage area and the person storing or proposing to store gas therein are unable to agree as to the amount, time or manner of payment of the compensation, if any, for the petroleum and natural gas rights or the right to store gas, the judge of the county or district court of any county or district in which any part of the gas storage area is situate, on the application of either party, may determine the matter in dispute, and the decision of the judge thereon shall be final and conclusive.
- 2. This Act may be cited as The Natural Gas Conservation Short title. Amendment Act, 1951.



An Act to facilitate the Development of Power on the Niagara River

Assented to March 21st, 1951. Session Prorogued April 5th, 1951.

H IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act.

Interpre-

- (a) "Commission" means The Hydro-Electric Power Commission of Ontario;
- (b) "land" means real property of whatsoever nature or kind and includes tenements, hereditaments and appurtenances, and any estate, term, easement, right or interest in, to, through, over, under, along, upon, across or affecting land;
- (c) "owner" includes mortgagee, lessee, tenant, occupant, any person entitled to a limited estate or interest, and a guardian, committee, executor, administrator or trustee in whom land or any property or interest is vested;
- (d) "power" includes electrical, pneumatic, hydraulic, mechanical, atomic, steam, gas or other power and includes energy;
- (e) "supply includes delivery, dealing in, and sale;
- (f) "works" includes all property, plant, machinery, buildings, erections, constructions, installations, materials, devices, fittings, apparatus, appliances and equipment for the generation, transformation, transmission, distribution, delivery, sale or use of power.

2. The Commission may,

Powers of Commission.

(a) divert the waters of the Niagara and Welland rivers to divert waters and and tributary waters or any of them and by the use generated power;

of these waters, or by coal, steam, or oil or by any other means, generate power and use, transform, transmit, convert, distribute, deliver, make available for use, sell and supply it;

to construct works;

(b) construct, install, maintain and operate works and roads required for or incidental to the diversion of the waters of the Niagara and Welland rivers and tributary waters or any of them and to the generation of power by the use of these waters, or by coal, steam, or oil or by other means and to its use, transformation, transmission, conversion, distribution, delivery, availability for use or supply;

to connect with other works;

(c) connect any of the works constructed or installed under clause b with any other power works or systems;

to transmit and deliver power;

(d) transmit, transform, distribute and deliver power generated under clause a to or from or for any person at any place, through, over, under, along, upon or across any land, public highway or public place, stream, water, watercourse, bridge, viaduct or roadway and through, over, under, along, upon or across the land of any person;

to acquire from The Niagara Parks Commission; (e) acquire for the purposes of this Act from The Niagara Parks Commission by purchase, lease or otherwise as may be agreed upon, land, water, water privileges, water powers, roads, buildings and works and use, utilize, develop and improve them:

to acquire lands and works; (f) acquire for the purposes of this Act by purchase, lease or otherwise from persons other than The Niagara Parks Commission, or without the consent of the owner, other than The Niagara Parks Commission, enter upon, take possession of, expropriate and use land, waters, water privileges, water powers, access and other roads, buildings, and works and use, utilize, develop and improve them, and upon such terms as it deems proper, sell, lease or dispose of such of them as it deems are no longer necessary for its purposes;

to acquire supplies.

(g) acquire for the purposes of this Act, by purchase, or otherwise, water, coal, steam, oil, material, equipment and other supplies.

Continuance of easements.

3. Notwithstanding anything in any other Act, where any right, interest, way, privilege, permit or easement is

acquired by the Commission in, through, over, under, along, upon, across or affecting any land, unless it is otherwise agreed, the land shall continue subject thereto and it shall be binding upon the owner and all subsequent owners of the land until released by the Commission.

- **4.** For the purposes of clause d of section 2, the Commis-Exercise of sion may exercise the same powers as are set forth in sub-powers of section 2 of section 32 of *The Power Commission Act*, and Rev. Stat., thereupon subsections 3 to 11 of that section shall apply.
- 5.—(1) In relation to all matters authorized by this Act, Commission except acquisition from The Niagara Parks Commission, the powers of Commission shall have and may exercise and enjoy, in addi-Minister of Public tion to the powers conferred upon it by this and any other Act, Works. all the powers conferred upon the Minister of Public Works in relation to a public work by *The Public Works Act*, and in the Rev. Stat., application of this section, where the words "the Minister", c. 323. "the Department" or "the Crown" appear in that Act, they shall, where the context permits, mean the Commission.
- (2) Upon the deposit in the proper registry or land titles Mode of office of a plan and description of the land required by the title. Commission, signed by the secretary or by an Ontario land surveyor, the land so described shall thereupon become and be vested in the Commission.
- (3) Except as otherwise provided in this Act, the Com-Procedure mission shall in the exercise of its compulsory powers authorized by this Act, proceed in the manner provided by *The Public Works Act*, where the Minister of Public Works takes land or property for the use of Ontario, and all the provisions of that Act with respect to the fixing, payment and application of compensation shall apply *mutatis mutandis*.
- (4) Subsection 6 of section 24 of *The Power Commission* Rev. Stat., Act shall apply to proceedings under this section.

 Subs. 6, to apply.
- (5) No act or proceeding of the Commission under this Action of section shall be restrained by injunction or other process not to be or proceeding in any court.
- **6.** The purposes and objects of this Act shall be purposes General and objects of the Commission under section 12 of *The* fund. *Power Commission Act* and any liabilities of the Commission heretofore incurred and any expenditure of funds by the Commission heretofore made therefor are ratified and confirmed.
- 7. For the purposes of this Act, the Commission may, Additional in addition to exercising any of the powers conferred upon

Rev. Stat., c. 281. it by this Act, exercise any of the powers conferred upon it by *The Power Commission Act*, but nothing in that Act shall in any way limit or restrict the exercise of the powers conferred upon the Commission by this Act.

Conveyance from The Niagara Parks Commission.

8. Subject to the approval of the Lieutenant-Governor in Council, The Niagara Parks Commission may execute and deliver to the Commission such conveyances, leases or other documents as may be necessary for the purposes of clause *e* of section 2.

Extent of operation of

9. The exercise of the powers conferred by or under the authority of this Act, or any of them, shall not be deemed to be a making use of the waters of the Niagara River to generate electric or pneumatic power within the meaning of any stipulation or condition contained in any agreement entered into by the commissioners for the Queen Victoria Niagara Falls Park or The Niagara Parks Commission, whether the diverted water is used in or by plants or works heretofore constructed or in or by other plants or works.

Commence-

10. This Act shall come into force on the day it receives the Royal Assent.

Short title.

11. This Act may be cited as The Niagara Development Act, 1951.

An Act to approve an Agreement between Canada and Ontario respecting the Development of the Niagara River

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

- 1. The agreement made the 27th day of March, 1950, Can.-Ont. between the Government of Canada and the Government of approved. Ontario, set out as the Schedule to this Act, is approved.
- 2. This Act shall come into force on the day it receives the Commence-Royal Assent.
- 3. This Act may be cited as The Niagara Development Short title. Agreement Act, 1951.

SCHEDULE

AGREEMENT BETWEEN CANADA AND ONTARIO

AGREEMENT made this 27th day of March, 1950.

BETWEEN:

The Government of Canada, herein represented by The Right Honourable Louis S. St. Laurent,

OF THE FIRST PART.

-and-

The Government of Ontario, herein represented by The Honourable Leslie M. Frost,

OF THE SECOND PART.

Whereas a treaty hereinafter referred to as the Niagara Diversion Treaty has now been signed by the Government of Canada and the Government of the United States of America to supplement the Boundary Waters Treaty of 1909 and amend Article V of that Treaty with respect to the diversion of water from the Niagara River and the division of diverted water between the United States of America and Canada; and

WHEREAS it is desirable that an Agreement be made between Canada and Ontario in respect of the utilization of the flow of the waters of the Niagara River to be in accordance with the Niagara Diversion Treaty:

Now therefore This Agreement Witnesseth:

ARTICLE I

This Agreement is conditional upon the ratification of the Niagara Diversion Treaty by Canada and the United States of America.

ARTICLE II

Ontario undertakes to construct the Canadian portion of such remedial works in the Niagara River as may be agreed upon by Canada and the United States of America pursuant to Article II of the Niagara Diversion Treaty and to pay the Canadian share of the cost of the remedial works constructed pursuant to that Article. Canada undertakes to consult Ontario before giving approval to such recommendations as the International Joint Commission may make as to the nature and design of such remedial works.

ARTICLE III

Canada, without delay, will authorize and make available to Ontario such diversions of the water specified in Article III of the Niagara Diversion Treaty, for power purposes, as Canada is from time to time enabled to authorize under the terms of said Treaty.

ARTICLE IV

Ontario undertakes to make provision for the disposition of claims and for the satisfaction of any valid claims arising out of the damage or injury to persons or property occurring in Canadian territory in connection with the construction and operation of any of the works authorized or provided for by this Agreement.

ARTICLE V

This Agreement is made subject to its approval by the Parliament of Canada and by the Legislature of the Province of Ontario. If, however, the Niagara Diversion Treaty has not come into force within two years from the date of this Agreement, either party hereto may, by written notice to the other, forthwith cancel this Agreement.

IN WITNESS WHEREOF the Right Honourable Louis S. St. Laurent has hereunto set his hand on behalf of Canada and the Honourable Leslie M. Frost has hereunto set his hand on behalf of Ontario; both upon the twenty-seventh day of March, in the year of Our Lord one thousand nine hundred and fifty.

Louis S. St. Laurent.

LESLIE M. FROST.



An Act to amend The Niagara Parks Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

- **1.**—(1) Subsection 2 of section 2 of *The Niagara Parks Act* Rev. Stat., c. 253, s. 2, is repealed and the following substituted therefor: subs. 2, re-enacted.
 - (2) The Commission shall be composed of not more than Composieleven members appointed by the Lieutenant-Governor in Council, three of whom shall be appointed annually as follows: one the member of the council of the county of Welland who is designated by that council, one the member of the council of the county of Lincoln who is designated by that council and the third the member of the council of the city of Niagara Falls who is designated by that council.
- (2) Subsection 4 of the said section 2 is amended by adding Rev. Stat., at the end thereof the words "but where the vacancy is in the subs. 4, office of one of the designated members, the person appointed amended. to fill the vacancy shall be the member of the council of the municipality that designated his predecessor, who is designated by that council", so that the subsection shall read as follows:
 - (4) Vacancies in the membership of the Commission Vacancies. may be filled by the Lieutenant-Governor in Council but where the vacancy is in the office of one of the designated members, the person appointed to fill the vacancy shall be the member of the council of the municipality that designated his predecessor, who is designated by that council.
- 2. This Act shall come into force on the day it receives the Commence-Royal Assent.
- 3. This Act may be cited as The Niagara Parks Amendment Short title. Act, 1951.



An Act respecting the Registration of Nurses

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act.

Interpretation.

- (a) "Board" means Board of Directors of the Registered Nurses' Association of Ontario, a corporation without share capital incorporated by letters patent under *The Companies Act* on the 4th day of December, Rev. Stat., 1925, and includes a duly authorized committee of c. 59. the Board;
- (b) "Minister" means Minister of Health;
- (c) "registered nurse" means a person registered as such under this Act. R.S.O. 1950, c. 256, s. 1, amended.
- 2. The Minister shall be a member ex officio of the Board. Minister member of Board.
- **3.** The Board, subject to the approval of the Lieutenant-Additional Governor in Council, may make regulations,
 - (a) prescribing the requirements for admission to schools of nursing and the courses of instruction therein;
 - (b) providing for the holding of examinations for nurses who are in attendance at or graduates of schools of nursing;
 - (c) governing the registration of graduates of schools of nursing located within or without Ontario and the issue, suspension; cancellation and renewal of certificates of registration of nurses;

(d) prescribing the fees for examinations, registration and renewal of registration of nurses. R.S.O. 1950, c. 256, s. 7 (b-d), amended.

Registration of nurses.

4. The Board shall maintain a register in which shall be entered the name, address and qualifications of every person registered in Ontario as a registered nurse. R.S.O. 1950, c. 256, s. 3, part, amended.

Appeal.

5.—(1) If the Board refuses or neglects to register a person, refuses or neglects to renew the registration of a person, or suspends or cancels the registration of a person, the person aggrieved may, within three months from the day on which notice thereof was served, apply to a judge of the Supreme Court who upon due cause shown may make an order directing the Board to make the registration, renew the registration, remove the suspension, or withdraw the cancellation, as the case may be, or may make such other order as may be warranted by the facts.

Effect of order.

(2) Every such order shall be final and conclusive and shall be acted upon forthwith by the Board. *New*.

Offence and penalty.

6. Every person, not being registered as a nurse under this Act, who uses the title "Registered Nurse" either alone or in combination with any word or words, or who uses any name, title or description implying that he or she is registered as a nurse under this Act, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$100. R.S.O. 1950, c. 256, s. 6 (1, 3), amended.

Commencement.

7. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

8. This Act may be cited as The Nurses Registration Act, 1951.

An Act respecting Nursing

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

TIS MAJESTY, by and with the advice and consent of 1 the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act.

Interpreta-

321

- (a) "certified nursing assistant" means a person who is registered as a certified nursing assistant under this Act:
- (b) "Director" means Director of Nursing;
- (c) "Minister" means Minister of Health;
- (d) "regulations" means regulations made under this Act. R.S.O. 1950, c. 256, s. 1 (a-c, f), amended.
- 2. There shall be a Director of Nursing who shall be Director of Nursing. appointed by the Lieutenant-Governor in Council and who shall exercise such powers and perform such duties as may be conferred or imposed by this Act, the regulations or the Minister. R.S.O. 1950, c. 256, s. 2, amended.
- 3.—(1) A school of nursing or a training course for nursing Schools of assistants may be established, maintained and conducted training in any hospital, sanatorium, sanitarium or university. courses. R.S.O. 1950, c. 256, s. 4 (1), amended.
- (2) Every person who establishes, maintains or conducts Compliance a school of nursing or a training course for nursing assistants, required. or trains or instructs, or holds himself out as being able or willing to train or instruct persons to become nurses or nursing assistants contrary to this Act or the regulations, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$50 and not more than \$500. R.S.O. 1950, c. 256, s. 4, part, amended.

Regulations.

4. The Lieutenant-Governor in Council may make regulations respecting the establishment, maintenance and management of schools of nursing and training courses for nursing assistants and providing for the inspection thereof. R.S.O. 1950, c. 256, s. 7 (a, f).

Idem.

- **5.** The Lieutenant-Governor in Council may make regulations,
 - (a) prescribing the requirements for admission to training courses for nursing assistants;
 - (b) providing for the holding of examinations for nursing assistants who are in attendance at or graduates of training courses for nursing assistants;
 - (c) governing the registration of graduates of training courses for nursing assistants located within or without Ontario and the issue, suspension, cancellation and renewal of certificates of registration of nursing assistants;
 - (d) prescribing the fees for examinations, registration and renewal of registration of nursing assistants. R.S.O. 1950, c. 256, s. 7 (b,-d), part, amended.

Registration of nursing assistants.

6. The Director shall maintain a register in which shall be entered the name, address and qualifications of every person registered in Ontario as a certified nursing assistant. R.S.O. 1950, c. 256, s. 3, part, amended.

Offence and penalty.

7. Every person, not being registered as a nursing assistant under this Act, who uses the title "Certified Nursing Assistant" either alone or in combination with any word or words, or who uses any name, title or description implying that he or she is registered as a nursing assistant under this Act, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$100. R.S.O. 1950, c. 256, s. 6 (2, 3), amended.

Council of Nursing.

8. The Lieutenant-Governor in Council may make regulations providing for the establishment of a council to be known as the "Council of Nursing" and prescribing its powers and duties. R.S.O. 1950, c. 256, s. 7 (g), amended.

Rev. Stat., c. 256, repealed.

9. The Nurses Act is repealed.

Commencement. **10.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

11. This Act may be cited as The Nursing Act, 1951.

An Act to amend The Old Age Pensions Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

- **1.** Clause c of section 1 of *The Old Age Pensions Act* is Rev. Stat., amended by inserting after the word "person" in the fifth cl. c, line the words "or persons", so that the clause shall read as amended follows:
 - (c) "local authority" means an investigator and in addition where there is a welfare unit means the public welfare administrator or where there is no welfare unit means the clerk of the municipality or such other person or persons as the council with the approval of the Minister may appoint.
- 2. This Act may be cited as The Old Age Pensions Amend-Short title ment Act, 1951.



An Act to amend The Oleomargarine Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

- **1.** Clause a of section 1 of *The Oleomargarine Act* is amended Rev. Stat., by adding at the end thereof the words "and that is manu-cl. a," factured wholly or in part from any fat or oil other than that amended of milk", so that the clause shall read as follows:
 - (a) "oleomargarine" means any food substance other than butter, of whatever origin, source or composition that is prepared for the same uses as butter and that is manufactured wholly or in part from any fat or oil other than that of milk.
- 2. The Oleomargarine Act is amended by adding thereto Rev. Stat., the following sections:
 - 6a.—(1) No person shall make a misleading claim with Misleading respect to oleomargarine, either by word or design, advertising in an advertisement or on a package in which oleomargarine is contained.
 - (2) No advertisement respecting oleomargarine and no Reference to package containing oleomargarine, dairy product in advertise-
 - (a) shall state or imply that oleomargarine has a ment. relation to any dairy product; or
 - (b) shall depict a dairy scene.
 - 6b.—(1) The Lieutenant-Governor in Council may ap-Inspectors point such inspectors and analysts as he may deem analysts. necessary for the administration and enforcement of this Act and the regulations.
 - (2) No person shall obstruct any inspector in the per-Obstruction formance of his duties or furnish any inspector with false information.

Rev. Stat., c. 259, s. 7, cls. b, c, re-enacted.

- **3.** Clauses b and c of section 7 of *The Oleomargarine Act* are repealed and the following substituted therefor:
 - (b) prescribing standards of quality for and the composition of oleomargarine;
 - (c) providing for the detention and confiscation of oleomargarine which does not comply with the provisions of this Act and the regulations;
 - (d) prescribing the powers and duties of inspectors;
 - (e) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Short title.

4. This Act may be cited as The Oleomargarine Amendment Act, 1951.

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

- 1. The Lieutenant-Governor in Council is hereby author-Loans up to ized to raise from time to time by way of loan such sum or \$100,000,000 sums of money as may be deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any such indebtedness or obligation and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and the amount of any temporary loans raised under this Act, including any securities issued for the retirement of such securities or temporary loans, at any time outstanding, shall not exceed in the whole \$100,000,000.
- 2. Any such sum or sums of money may be borrowed for Term and any term or terms not exceeding forty years, at such rate as rate to be may be fixed by the Lieutenant-Governor in Council and Covernor in shall be raised upon the credit of the Consolidated Revenue Council. Fund and shall be chargeable thereupon.
- **3.** The Lieutenant-Governor in Council may provide for a Sinking special sinking fund with respect to any issue of securities fund. authorized under this Act.
- **4.** This Act shall come into force on the day it receives the Commence-Royal Assent.
 - 5. This Act may be cited as The Ontario Loan Act, 1951. Short title.



An Act to amend The Optometry Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

- 1. Clause a of section 1 of *The Optometry Act* is amended Rev. Stat., by striking out the words "Board of Examiners in Optometry el. a., appointed under this Act" in the first and second lines and inserting in lieu thereof the words "The Board of Directors in Optometry", so that the clause shall read as follows:
 - (a) "Board" means The Board of Directors in Optometry.
- 2. Subsections 1 and 2 of section 2 of *The Optometry Act* Rev. Stat., c. 266, s. 2, are repealed and the following substituted therefor: subs. 1, re-enacted; subs. 2.
 - (1) There shall be a board known as The Board of Directors in Optometry composed of nine optome-Board of trists and three opticians who shall be elected, appointed, or nominated and appointed, as prescribed by the regulations.
- **3.** Subsection 1 of section 3 of *The Optometry Act* is Rev. Stat.. amended by re-lettering clause a as clause aaa and by adding subs. 1, thereto the following clauses:
 - (a) providing for the election, appointment, or nomination and appointment of the members of the Board, the qualifications of such members and the term of office, and for the election or appointment of the chairman of the Board;
 - (aa) providing for the holding of elections of members of, or of nominees for appointment to, the Board, including the qualification of voters, and prescribing a scheme of representation of voters on the Board, either geographically or otherwise.
- **4.** Subsection 3 of section 9 of *The Optometry Act* is amended Rev. Stat., by striking out the words "The Board of Examiners in subs. 3, amended.

Optometry" in the second and third lines and inserting in lieu thereof the words "The Board of Directors in Optometry", so that the subsection shall read as follows:

Manner of execution of instruments by Board.

(3) The Board may take and execute any deed, mortgage, lease or other instrument under the name of "The Board of Directors in Optometry", and every such deed, mortgage, lease or other instrument given and made by the Board shall be deemed to be sufficiently executed when executed under the hand of the chairman and secretary of the Board and sealed with the seal of the Board, and the Board may sue and be sued by and under the said name.

Transfer of property.

5. As soon as The Board of Directors in Optometry has been established, the Board of Examiners in Optometry shall cease to exist, and thereupon all property vested in the Board of Examiners in Optometry shall vest in The Board of Directors in Optometry.

Commence-

6. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

7. This Act may be cited as The Optometry Amendment Act, 1951.

An Act to amend The Pharmacy Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 22 of *The Pharmacy Act* is amended by inserting Rev. Stat., after the word "shall" in the fourth line the words "dispense c. 276, s. 22, or", so that the section shall read as follows:
 - 22. Any person registered under section 16, and no other Who may person, shall be entitled to be called a pharmaceutical act as pharmaceutical chemist, and no person except a pharmaceutical chemist. chemist, or his registered apprentice, shall dispense or compound prescriptions of medical practitioners; but no person shall be entitled to any of the privileges of a pharmaceutical chemist, or of a member of the College, who is in default in respect to any fees payable by him by virtue of this Act.
- 2. Section 23 of *The Pharmacy Act* is repealed and the Rev. Stat., following substituted therefor:
 - 23.—(1) Upon a resolution of the Council being passed Cancellation of registradeclaring that any person in consequence of,
 - (a) his conviction of a crime or an offence against any Act of the Parliament of Canada or of the Legislature of any province of Canada relating to the sale of drugs, poisons, medicines or alcoholic liquors; or
 - (b) having been declared, certified or found to be mentally incompetent or mentally ill pursuant to the relevant statutes in that behalf,

is unfit to practise his profession as a pharmaceutical chemist or to be registered as an apprentice, the Council may direct that the registration of such person be cancelled and the registrar shall note such cancellation in the register, and all certificates or licences issued to such person under this Act shall thereby be revoked.

Suspension of registration.

(2) During the period between meetings of Council a committee of the Council consisting of the president, the chairman of the by-laws and legislation committee and the chairman of the infringement committee may suspend the registration of any person until the next meeting of the Council.

Prohibition re engaging in business while registration cancelled or suspended.

(3) A pharmaceutical chemist or apprentice whose registration has been cancelled or suspended under this section shall not engage in the business of a pharmaceutical chemist either on his own behalf or as an employee or clerk and shall not act as a director or vote or interfere as a shareholder in the business of any corporation dealing in drugs or medicines under this Act.

Appeal.

(4) A pharmaceutical chemist or apprentice whose registration has been cancelled under this section may within three months appeal to the Supreme Court and the court may make an order directing the registrar to restore his name to the register or may dismiss the appeal.

Entry by registrar.

(5) The decision of the court shall be final and the registrar shall make any entry in the register necessary to comply with the order of the court and, if the order so directs, restore any certificate or licence issued under this Act.

Reinstatement by Council.

(6) The Council may upon application reinstate a person whose registration has been cancelled.

No proceedings against Council.

(7) No action or other proceedings shall be brought or taken by or on behalf of any person against the Council or any member thereof for anything done or attempted in good faith under this section not-withstanding any want of form in the proceedings of the Council or the committee.

Rev. Stat., c. 276, s. 43, amended.

3. Section 43 of *The Pharmacy Act* is amended by striking out the words "except as provided by section 31" in the sixth line and by adding at the end thereof the words "to persons using or entitled to sell the same", so that the section shall read as follows:

- 43. Nothing in this Act shall prevent any person from Sales to chemists, selling goods of any kind to a pharmaceutical chemist etc., not or to a legally qualified medical practitioner or to a veterinary surgeon, or shall prevent a legally qualified medical practitioner or a veterinary surgeon from supplying such medicine as he may prescribe, or shall interfere with the business of wholesale dealers in supplying poisons or other articles in the ordinary course of wholesale dealing to persons using or entitled to sell the same.
- 4. This Act may be cited as The Pharmacy Amendment Short title. Act, 1951.



Chap. 65

CHAPTER 65

An Act to amend The Planning Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 4 of section 4 of *The Planning Act* is repealed Rev. Stat., and the following substituted therefor:

 . c. 277, s. 4, subs. 4, re-enacted.
 - (4) The members of the planning board who are not Term of members of a municipal council shall hold office for office. three years, provided that on the first appointment the council, from among such members, shall designate members who shall hold office,
 - (a) until the 1st day of January of the year following the date of appointment;
 - (b) until the 1st day of January of the second year following the date of appointment; and
 - (c) until the 1st day of January of the third year following the date of appointment,

respectively, so that as nearly as possible one-third of such members shall retire each year; and the members of the planning board who are members of a council shall be appointed annually.

- 2. Section 8 of *The Planning Act* is amended by adding Rev. Stat., thereto the following subsection:
 - (2) No plan shall be recommended for adoption unless Recommenit is approved by a vote of the majority of all the plan. members of the planning board.
- 3. Section 12 of *The Planning Act* is amended by adding Rev. Stat., thereto the following subsection:

Conditions for Minister's approval.

(2) Before approving an alteration or addition initiated by a council, the Minister may require that a report of the planning board be obtained in respect of the proposal and if the planning board does not concur in the proposal the Minister shall not approve the alteration or addition unless it has been adopted by a vote of two-thirds of all the members of the council.

Rev. Stat., c. 277, s. 25, subs. 1, re-enacted.

4. Subsection 1 of section 25 of *The Planning Act* is repealed and the following substituted therefor:

Power of Minister re zoning and subdivision control

(1) The Minister may by order,

division control. (a) with respect to any land in Ontario that is not within the scope of a by-law passed under section 390 of *The Municipal Act*, exercise any of the powers conferred upon councils by the said section 390 without the approval of the Ontario Municipal Board; and

Rev. Stat., c. 243.

> (b) with respect to any land in Ontario, exercise the powers conferred upon councils by section 24.

Limitation of zoning powers.

(1a) Where an official plan is in effect, the Minister shall not, with respect to land covered by the official plan, make an order under clause a of subsection 1 that does not conform with the official plan.

Commencement. 5. This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as The Planning Amendment Act, 1951.

An Act to amend The Police Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 13 of *The Police Act* is amended by striking out Rev. Stat., the words "and hold office during the pleasure of" in the amended. second and third lines, so that the section shall read as follows:
 - 13. The members of the police force in a municipality Appointhaving a board shall be appointed by the board. ment.
- 2. Section 14 of *The Police Act* is amended by striking out Rev. Stat., the words "Subject to the approval of the Lieutenant-Gover-amended. nor in Council" in the first and second lines, so that the section shall read as follows:
 - 14. Any board may by by-law make regulations not Regulations inconsistent with regulations under section 60 for by board, the government of the police force, for preventing neglect or abuse, and for rendering it efficient in the discharge of its duties.
 - 3. Section 25 of The Police Act is repealed.

Rev. Stat., c. 279, s. 25, repealed.

- **4.** Subsection 1 of section 51 of *The Police Act* is amended Rev. Stat., by striking out the words "Lieutenant-Governor in Council" subs. 1. in the first and second lines and inserting in lieu thereof the word "Attorney-General", so that the subsection shall read as follows:
 - (1) Subject to the approval of the Attorney-General, Agreement the Commissioner may enter into an agreement cial police with the council of any municipality for the policing municipality of the whole or any part of the municipality, or ties. with any company for the policing of any area, by the Ontario Provincial Police Force.

Rev. Stat., c. 279, s. 60, subs. 1, cl. a amended.

- **5.** Clause *a* of subsection 1 of section 60 of *The Police Act* is amended by striking out the words "conduct and duties" in the second line and inserting in lieu thereof the words "conduct, duties, suspension and dismissal", so that the clause shall read as follows:
 - (a) for the government of police forces and governing the conduct, duties, suspension and dismissal of members of police forces.

Commencement. **6.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

7. This Act may be cited as The Police Amendment Act, 1951.

An Act to amend The Power Commission Act

Assented to (except section 1) March 21st, 1951. Section 1 assented to April 5th, 1951. Session Prorogued April 5th, 1951.

- 1.—(1) Subsection 1 of section 7 of *The Power Commission* Rev. Stat., *Act* is amended by striking out the word "five" in the second subs. 1, line and inserting in lieu thereof the words "not more than amended. nine", so that the subsection shall read as follows:
 - (1) The Ontario Hydro-Electric Advisory Council shall Advisory continue, and shall consist of not more than nine members appointed by the Lieutenant-Governor in Council each of whom shall hold office for two years from the date of his appointment or such other period as the Lieutenant-Governor in Council may prescribe and every such member shall be eligible for reappointment.
- (2) Subsection 5 of the said section 7 is amended by adding Rev. Stat., at the end thereof the words "and the cost thereof shall be subs. 5, deemed to be part of the administration expenses of the Commission", so that the subsection shall read as follows:
 - (5) The members of the advisory council shall be paid Remunerasuch per diem allowance and travelling expenses as the Lieutenant-Governor in Council shall from time to time decide and the cost thereof shall be deemed to be part of the administration expenses of the Commission.
- **2.** Clause a of section 18 of *The Power Commission Act* Rev. Stat., is amended by striking out the words "as provided in section cl. a, amended. 49" in the second and third lines, so that the clause shall read as follows:
 - (a) towards repayment of advances made by the Province of Ontario to the Commission and towards the retirement of other indebtedness incurred or assumed by the Commission.

Rev. Stat., c. 281, amended.

3. The Power Commission Act is amended by adding thereto the following section:

Frequency standardization by municipalities.

26a.—(1) The powers of the Commission under clause b of section 26 with respect to the electrical equipment, apparatus, appliances, devices and works of any person to whom a municipal corporation or municipal commission supplies electrical power or energy which is supplied to it by the Commission may, with the assent of the Commission, be exercised by the municipal corporation or municipal commission.

Where Commission may bear cost. (2) Where pursuant to subsection 1 the powers are exercised by a municipal corporation or municipal commission in respect of the electrical equipment, apparatus, appliances, devices or works mentioned in clause d of section 26, the Commission may bear the expense thereof.

Where cost may be apportioned.

(3) Where pursuant to subsection 1 the powers are exercised by a municipal corporation or municipal commission in respect of electrical equipment, apparatus, appliances, devices or works other than those mentioned in clause d of section 26, such portion of the expense as the Commission could have charged to and collected from owners of the electrical equipment, apparatus, appliances, devices or works if the Commission had exercised the powers itself, may, with the assent of the Commission, be charged to and collected from the owners by the municipal corporation or municipal commission and the balance borne by the Commission.

Rev. Stat., c. 281, s. 41, amended.

4. Section 41 of *The Power Commission Act* is amended by inserting after the word "Act" in the first line the words "or by *The Niagara Development Act*, 1951", so that the section shall read as follows:

Extent of powers of expropriation.

1951, c. 55.

- 41. The compulsory powers conferred by this Act or by *The Niagara Development Act, 1951* shall extend to land, works, rights, powers, privileges and property notwithstanding that they are or may be deemed to be devoted to a public use or that the owner thereof possesses the power of taking land compulsorily, and notwithstanding and regardless of the origin, nature and source of the owner's title thereto, and of the manner whereby it was acquired by the owner or any of his predecessors in title.
- Rev. Stat., c. 281, s. 46, amended. by striking out all the words after the word "Act" in the

fourth line and inserting in lieu thereof the words "and of The Niagara Development Act. 1951, and the sums so raised may either be advanced to the Commission or applied by the Treasurer of Ontario in the purchase of notes, bonds. debentures or other securities of the Commission issued by the Commission under the authority of this Act", so that the section shall read as follows:

46. The Lieutenant-Governor in Council may raise by Government way of loan in the manner provided by *The Provincial* authorized to raise Loans Act such sums as the Lieutenant-Governor funds for in Council may deem requisite for the purposes of Commistions. Act and of The Niagara Development Act, 1951, Rev. Stat., and the sums as reject may either be advanced. 6.299. and the sums so raised may either be advanced to the Commission or applied by the Treasurer of 1951, c. 55. Ontario in the purchase of notes, bonds, debentures or other securities of the Commission issued by the Commission under the authority of this Act.

6. Subsection 1 of section 49 of The Power Commission Rev. Stat., s. 49, Act is amended by inserting after the word "Commission" subs. 1, amended. in the first line the words "before the 1st day of January, 1951", so that the subsection, exclusive of the schedule. shall read as follows:

(1) The advances received by the Commission before Repayment the 1st day of January, 1951, under the authority made before of sections 46, 47 and 48 shall be repayable as 1st January, follows:

7. Section 50 of *The Power Commission Act* is amended by Rev. Stat., inserting after the word "Commission" in the first line the amended. words "in respect of advances received by it before the 1st day of January, 1951", so that the section shall read as

follows:

- 50. The Commission in respect of advances received Payment to by it before the 1st day of January, 1951, shall pay interest and annually to the Treasurer of Ontario, as interest on respect of order of the contract of the c the indebtedness of the Commission to the Province, advances made before such sum as may be from time to time determined lst January, by the Lieutenant-Governor in Council to be sufficient to reimburse the Province the full amount of interest paid by the Government on moneys raised for the purposes of the Commission and the charges incurred by the Government in providing such money.
- 8. The Power Commission Act is amended by adding Rev. Stat., c. 281, amended. thereto the following section:

Advances to be made on terms and conditions agreed upon.

- 50a. All advances made by the Province to the Commission after the 1st day of January, 1951, shall be made on such terms and conditions as may be agreed upon between the Commission and the Treasurer of Ontario, and without limiting the generality of the foregoing, the Commission in consideration of any advance, may,
 - (a) issue and deliver to the Treasurer of Ontario notes, bonds, debentures or other securities of the Commission for the same principal amount, maturing on the same date or dates, bearing interest at the same rate or rates and payable as to both principal and interest in the same currency or currencies as the debentures or other securities of the Province issued for the purpose of raising the moneys advanced by the Province to the Commission, and containing such other terms and conditions, if any, as to redemption in advance of maturity or otherwise as the Treasurer of Ontario may approve; and
 - (b) agree to reimburse the Province all charges and expenses incurred or to be incurred by the Province in connection with the creation and issue of such debentures or other securities of the Province and the payment from time to time of the interest thereon and of the principal thereof whether at maturity or on redemption prior to maturity and of the amount of the premium, if any, on redemption, and such other charges and expenses as the Province may incur.

Rev. Stat., c. 281, s. 51, subs. 2, amended.

- **9.**—(1) Subsection 2 of section 51 of *The Power Commission* Act is amended by adding thereto the following clause:
 - (aa) payment in whole or in part of any notes, bonds, debentures or other securities of the Commission issued and delivered to the Treasurer of Ontario in respect of any advances from the Province to the Commission.

Rev. Stat., c. 281, s. 51, subs. 2, cl. e, amended.

- (2) Clause e of subsection 2 of the said section 51 is amended by inserting after the figures "59" in the fourth line the words "or carrying out any of the powers and purposes of the Commission referred to in *The Niagara Development Act*, 1951", so that the clause shall read as follows:
 - (e) carrying out any of the powers and purposes of the Commission referred to in sections 24 to 28, 38 and 84 or in respect of the acquisition or construction of

works referred to in section 59 or carrying out any of the powers and purposes of the Commission referred to in *The Niagara Development Act*, 1951, 1951, c. 55. providing in whole or in part for expenditures of the

Chap. 67

providing in whole or in part for expenditures of the Commission made or to be made in connection therewith, reimbursing the Commission for any such expenditures heretofore or hereafter made, and repaying in whole or in part any temporary borrowings of the Commission for any of such purposes.

- 10. Section 66 of *The Power Commission Act* is amended Rev. Stat., by adding thereto the following subsection:

 C. 281, S. 66, amended.
 - (12) Notwithstanding anything in this section, no areas Areas fixed shall be established nor the boundaries of any 1951. established area enlarged or altered after the 1st day of May, 1951.
- **11.** Section 107 of *The Power Commission Act* is repealed Rev. Stat., and the following substituted therefor:

 ... 281, s. 107, re-enacted.
 - 107.—(1) Subject to subsections 2, 3 and 7, every Insurance municipal corporation and municipal commission by municipal supplied with electrical power or energy by the Commission shall maintain insurance against liability for bodily injury and property damage arising from the operation of an electrical utility in such amount and upon such terms as the Commission directs.
 - (2) A municipal corporation or municipal commission Insurance may, with the approval of the Commission, establish in lieu of such insurance a fund sufficient in the opinion of the Commission to protect the municipal corporation or municipal commission against the liability and thereupon it shall not be necessary for it to comply with subsection 1.
 - (3) If a municipal corporation or municipal commission Where insist in schedule 1 of the regulations made under The surance not Workmen's Compensation Act and is paying assess-Rev. Stat., ments to the Workmen's Compensation Board, o. 430. it shall not be necessary for it to maintain insurance against liability for bodily injury to its employees.
 - (4) Notwithstanding anything in *The Insurance Act* Group insurance or in any other Act, the Commission may effect municipal insurance on behalf of municipal corporations or Rev. Stat., municipal commissions which it supplies with control electrical power or energy against liability for bodily injury and property damage arising from the operation of an electrical utility.

Commission included in group insurance.

(5) The contract of insurance effected under subsection 4 may, if desired by the Commission, include the Commission as a party insured against liability and may protect more than one municipal corporation or municipal commission.

How cost chargeable.

(6) The cost of insurance effected under subsection 4 shall, except in so far as it is for the protection of the Commission, be chargeable to the protected municipal corporations or municipal commissions as part of the cost of power payable by them.

Where insurance under subs. 1 not necessary.

(7) Where a municipal corporation or municipal commission is an insured party under a contract of insurance effected under subsection 4, it shall not be necessary for it to comply with subsection 1.

Rev. Stat., c. 281, s. 111, cl. e, re-enacted. is repealed and the following substituted therefor:

purchase of securities.

(e) in the purchase of debentures or other securities of the Dominion of Canada or of the Province of Ontario, or in securities guaranteed as to principal and interest by either of them.

Commencement. 13. This Act shall come into force on the day it receives the Royal Assent.

Short title. 14. This Act may be cited as The Power Commission Amendment Act, 1951.

An Act to amend The Private Forest Reserves Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

- 1. The Private Forest Reserves Act is amended by adding Rev. Stat., thereto the following section:
 - 5a.—(1) Where the letters patent granting any land Release of declared to be a private forest reserve under this timber Act contains a reservation of any class or kind of timber, the Minister, upon application and payment by the owner of a purchase price determined by the Minister, may make an order releasing and discharging the land from such reservation.
 - (2) Where lands are released and discharged from a Effect of reservation of any class or kind of timber under subsection 1, the cutting or removal of such timber shall be subject to section 5.
- 2. This Act may be cited as The Private Forest Reserves Short title. Amendment Act, 1951.



Chap. 69

CHAPTER 69

An Act to amend The Provincial Loans Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

- 1.—(1) Subsection 4 of section 3 of The Provincial Loans Rev. Stat., Act is amended by striking out the words "provided that the c. 299, s. 3, subs. 4, amount to be invested out of the Consolidated Revenue Fund amended. in any such sinking fund shall not exceed one-half of one per cent per annum on the amount of the debentures or stock to which it relates" in the seventh to eleventh lines, so that the subsection shall read as follows:
 - (4) On authorizing the issue of debentures or stock Special under clauses a or b of subsection 1, the Lieutenant-sinking Governor in Council may provide for a special sinking authorized. fund with respect to such issue, and may at any time provide for a general sinking fund for all such portions of the debentures or stock as have been or are hereafter issued without provision for a sinking fund with respect to them.
- (2) The said section 3 is further amended by adding thereto Rev. Stat., c. 299, s. 3, amended. the following subsection:
 - (5a) Every Act heretofore or hereafter passed that Same number of authorizes the borrowing or raising by way of loan U.S. dollars. of a specific number of dollars or the issue of debentures or other securities for a specific number of dollars in principal amount shall be deemed to authorize the borrowing or raising by way of loan of the same number of dollars of the United States of America or the issue of debentures or other securities for the same number of dollars of the United States of America in principal amount, as the case may be.
- 2. The Provincial Loans Act is amended by adding thereto Rev. Stat., c. 299, the following section: amended.

Debentures, etc., may be issued subject to call.

3a. Debentures, Ontario Government stock or other securities issued by the Province of Ontario under the authority of this or any other Act heretofore or hereafter passed may be made redeemable in advance of maturity at such time or times and at such price or prices as the Lieutenant-Governor in Council may provide at the time of the issue thereof.

PROVINCIAL LOANS

Rev. Stat., c. 299, s. 13, repealed.

3. Section 13 of *The Provincial Loans Act* is repealed.

Commencement. **4.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as The Provincial Loans Amendment Act, 1951.

349

CHAPTER 70

An Act to amend The Public Health Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

IIIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 5 of *The Public Health Act* is amended by adding Rev. Stat., thereto the following clause:
 - (zr) providing for the payment of grants for the main-Grants for tenance of isolation hospitals, the methods of deter-of isolation mining the amounts of such grants and the manner and times of payment of such grants and for withholding such grants and making deductions therefrom.
- 2. The Public Health Act is amended by adding thereto the Rev. Stat., following section:

 C. 306, amended.
 - 47a. The Minister may, out of such moneys as may be Maintenance appropriated by the Legislature for the purpose and isolation subject to the regulations, pay grants to munici-hospitals. palities toward the cost of maintenance of the isolation hospitals referred to in section 43.
 - 3. Section 98 of The Public Health Act is repealed.

Rev. Stat., c. 306, s. 98, repealed.

- **4.** This Act shall come into force on the day it receives the Commence-Royal Assent.
- 5. This Act may be cited as The Public Health Amendment Short title. Act, 1951.



1951

351

CHAPTER 71

An Act to amend The Public Lands Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

- 1. Sections 37, 47 and 48 of The Public Lands Act are Rev. Stat. c. 309, ss. 37, 47, 48, repealed.
- 2. Section 55 of *The Public Lands Act* is repealed and the Rev. Stat... c. 309, s. 55, re-enacted. following substituted therefor:
 - 55. The Lieutenant-Governor in Council may open for Opening of sale under Part I or for location and sale under lands for Part II to actual settlers any lands that he deems and sale. suitable for agricultural purposes.
- 3. Section 57 of *The Public Lands Act* is repealed and the Rev. Stat., c. 309, s. 57, re-enacted. following substituted therefor:
 - 57.—(1) All trees on land that has been disposed of Reservation under this Act for agricultural purposes shall remain the property of the Crown until the issuance of letters patent, whereupon the property in such trees shall pass to the patentee.
 - (2) During the time the trees on land that has been Cutting disposed of under this Act for agricultural purposes rights of settlers remain the property of the Crown, the purchaser or before patent. locatee of such land, or anyone claiming under him, may cut and use all such trees as are necessary for building on and fencing such land, and he may cut and dispose of all such trees required to be removed in clearing the land for cultivation, but no trees except those necessary for such building and fencing shall be cut beyond the limit of the actual clearing without the consent in writing of an officer authorized by the Minister for the purpose.
 - (3) All trees cut under subsection 2 and sold or bartered Payment of Grown dues. shall be subject to the payment of the same charges

as are at the time payable by the holders of licences to cut timber, unless the Minister otherwise directs in writing.

Revocation of timber licences on settlers' land.

- (4) If a licence to cut timber on land disposed of under this Act for agricultural purposes is subsisting, it shall be deemed to be revoked and cancelled in respect of such land,
 - (a) as of the 31st day of March, 1951, in the case of such land disposed of before this Act comes into force: and
 - (b) as of the date of the disposition, in the case of such land disposed of after this Act comes into force,

and in any such case the Minister may compensate the holder of any such licence by granting to him a licence to cut timber elsewhere.

Property in trees vested in patentee.

57a.—(1) Where land is disposed of under this Act for agricultural purposes, the property in all trees thereon shall be deemed to have passed to the patentee by the letters patent, and every reservation of any class or kind of tree contained in the letters patent shall be deemed to be void.

Release from reservation of pine trees.

- (2) Where letters patent issued for lands disposed of under the Act entitled An Act to provide for the appropriation of certain lands for the Volunteers who served in South Africa and the Volunteer Militia who served on the frontier in 1866, being chapter 6 of the Statutes of Ontario, 1901, reserve pine trees to the Crown and the land is not under timber licence, the Minister upon application of the owner may make an order releasing and discharging the land from the reservation of pine trees,
 - (a) upon payment of a purchase price determined by the Minister; or
 - (b) without payment,
 - (i) if the owner resides on or within 10 miles of the land, or
 - (ii) if the pine trees exclusive of those planted by the owner do not exceed on an average 500 feet log measure per acre and the owner plants at least 10 per cent of the

353

- (3) Any order made under subsection 2 may be registered Orders may in the proper registry or land titles office.
- 57b. In sections 57 and 57a, the expression "this Act" Interpretaincludes any predecessor of this Act.
- 4. The Public Lands Act is amended by adding thereto the Rev. Stat., following section:
 - 63. Where letters patent have issued granting summer Building resort lands subject to the conditions that the in patents patentee shall within eighteen months from the date of the patent expend not less than \$300 in the construction of buildings or of other improvements and that no building or other construction shall be erected unless the plan and description thereof have been approved by the Minister, the said conditions shall be deemed to be void and of no effect.
- **5.** This Act shall come into force on the day it receives the Commence Royal Assent.
- 6. This Act may be cited as The Public Lands Amendment Short title. Act, 1951.



An Act to amend The Public Officers' Fees Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause a of subsection 2 of section 8 of The Public Rev. Stat., Officers' Fees Act is amended by striking out the figures and subs. 2, cl. a, words "10 per cent" in the first line and inserting in lieu thereof the figures and words "50 per cent", so that the clause shall read as follows:
 - (a) on the excess over \$6,000 up to \$10,000, 50 per cent thereof.
- (2) Clause b of subsection 2 of the said section 8 is amended $\frac{\text{Rev. Stat.}}{\text{c. 312, s. 8}}$, by striking out the figures and words "20 per cent" and $\frac{\text{subs. 2. el. }b}{\text{amended.}}$, inserting in lieu thereof the figures and words "60 per cent", so that the clause shall read as follows:
 - (b) on the excess over \$10,000, 60 per cent thereof.
- **2.** Section 12 of *The Public Officers' Fees Act* is amended by Rev. Stat., striking out the symbol and figures "\$1,800" where they amended. occur in the eighth and twelfth lines respectively and inserting in lieu thereof in each instance the symbol and figures "\$3,200", so that the section shall read as follows:
 - 12. Where it appears by a return to the Lieutenant-Minimum Governor or to any department of the Government salary for that in any year a sheriff, local registrar of the Supreme Court, deputy registrar, county or district court clerk, and registrar of the surrogate court, whether holding one or more of the above offices, has derived from the fees, emoluments and salary, if any, of his office, after deducting necessary disbursements, an income which does not exceed \$3,200, or the amount at which he is commuted as the case may be, there may, on the report of the Inspector of Legal Offices, be paid to such officer out of the Consolidated Revenue Fund an amount

sufficient

sufficient to make up the income for the year to \$3,200, or to the amount at which he is commuted as the case may be, if the Lieutenant-Governor in Council so directs.

Commencement. **3.** This Act shall be deemed to have come into force on the 1st day of January, 1951.

Short title.

4. This Act may be cited as The Public Officers' Fees Amendment Act, 1951.

An Act to amend The Public Schools Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

- 1. Subsection 1 of section 56 of *The Public Schools Act* is Rev. Stat., amended by adding thereto the following clause:

 o. 316, s. 56, subs. 1, amended.
 - (h) for making initial payments or contributions to a pension scheme established under section 129.
- **2.** Clause q of section 93 of *The Public Schools Act* is Rev. Stat., amended by striking out the words "and, if deemed expedient, cl. q, to make contributions to a pension fund for the benefit of amended. teachers, inspectors, officers and other employees of the board" at the end thereof, so that the clause shall read as follows:
 - (q) to provide and pay, in the case of urban schools, urban salaries of inspectors, teachers, instructors and other pay officers and employees of the board, repairs to build-officials and maintenance ings, furnishings, fuel, light, stationery, equipment, expenses; insurance and miscellaneous expenses, including travelling expenses of trustees and officers of the board, incurred by the authority of the board.
- **3.** The Public Schools Act is amended by adding thereto Rev. Stat., the following section:
 - 120a.—(1) When the number of teachers employed by Township a board having jurisdiction in a township or in a portion of a township becomes one hundred, the public school board or board of education, as the case may be, may appoint an inspector for the township or the portion of a township under the jurisdiction of the board, and such township or portion of a township shall be designated as a township inspectorate.

Application of ss. 119, 120, 121-124.

(2) Where an inspector is appointed under subsection 1, the provisions of sections 119 and 120, except subsections 8 and 9 of section 120, and the provisions of sections 121 to 124, in relation to city inspectors and city inspectorates, shall apply *mutatis mutandis* to the township inspector and the township inspectorate in which he has jurisdiction.

Rev. Stat... 4. Section 129 of *The Public Schools Act* is amended by adding thereto the following subsection:

Transfer of funds.

- (6) Where an employee,
 - (a) becomes a member of the civil service of Ontario or Canada;

Rev. Stat., c. 96.

- (b) becomes an employee of a municipality, as defined in *The Department of Municipal Affairs Act*; or
- (c) becomes a member of the staff of any board, commission or public institution established under any Act of this Legislature,

the board by resolution may authorize the transfer of, or may transfer, the whole or any part of any money standing to the credit of the employee in connection with a pension plan established for employees of the board, to any like plan or fund maintained to provide superannuation benefits for the members of such civil or civic service or such staff, as the case may be.

Commencement. **5.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as The Public Schools Amendment Act, 1951.

An Act to amend The Public Service Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

- **1.** Clause a of subsection 2 of section 20 of *The Public* Rev. Stat., Service Act and clause a of subsection 3 of the said section $20 \stackrel{\text{c. 317, s. 20}}{\text{subs. 2, cl. a,}}$ are repealed and the following substituted therefor in each re-enacted. instance:
 - (a) more than \$3,000 where any period of noncontributory service is included in the computation:
- 2. Subsection 1 of section 35 of *The Public Service Act* Rev. Stat., is amended by striking out the figures "18" in the tenth line subs. 1. and inserting in lieu thereof the figures "20", so that the amended. subsection shall read as follows:
 - (1) Every person who made an election under subsection Former 1 or 2 of section 34 of The Public Service Act, 1947, or whose contributions and credits in The Teachers' 1947, c. 89. Superannuation Fund have been transferred to the Fund, shall be entitled to service credit in the Fund for the number of years that is equal to the number obtained by dividing one-half of the amount transferred or paid into the Fund by a number that is equal to four per cent of his annual salary upon his appointment as an employee, provided that the number of years of service credit so obtained shall in no case exceed 20, or 70 per cent of the number of years for which he contributed to The Teachers' Superannuation Fund.
- 3. Every annual superannuation and disability allowance Re-computasubsisting on the 1st day of October, 1950, shall be re-computed existing as of that day in accordance with The Public Service Act as allowances. amended by this Act, regard being had only to contributory Rev. Stat., service, and if any such allowance as re-computed is greater

than the allowance as originally computed, the allowance as re-computed shall be paid.

Commencement. **4.**—(1) This Act, except sections 1 and 2, shall come into force on the day it receives the Royal Assent.

Idem.

(2) Section 1 shall be deemed to have come into force on the 1st day of October, 1950.

Short title.

5. This Act may be cited as The Public Service Amendment Act, 1951.

[Note.—An amendment to *The Public Service Act, 1947* appears in section 7 of *The Statute Law Amendment Act, 1951* at page 378 of this volume.]

An Act to amend The Public Utilities Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 2 of section 11 of *The Public Utilities* Rev. Stat., c. 320, s. 11, Act is repealed and the following substituted therefor:

 subs. 2, re-enacted.
 - (2) A corporation may enter into a contract for a term Contracts not exceeding 20 years for the supply of water, of water.
 - (a) to any person within or beyond the limits of the municipality; and
 - (b) to any other municipality, as defined in The Rev. Stat., Department of Municipal Affairs Act, for its c. 96. use or for resale or to the inhabitants thereof for their use,

and may renew any such contract.

- (2) The said section 11 is further amended by adding Rev. Stat., thereto the following subsection:
 - (4) Subject to sections 2 to 4, where a municipality Laying of contracts to purchase water from a municipal cor-supplying poration, it may with the consent of the council of municipality. the supplying municipality enter upon the lands and streets within the supplying municipality to lay and maintain such pipes as are necessary to obtain the water from the waterworks system of the supplying municipality.
- 2. Section 24 of *The Public Utilities Act* is repealed and the Rev. Stat., following substituted therefor:
 - 24. The corporation may enter into a contract for the Contracts supply of a public utility to any person, including a of utility.

municipality as defined in *The Department of Municipal Affairs Act*, for a term not exceeding 20 years, and may renew any such contract.

Rev. Stat., c. 320, s. 35, subs. 1, amended.

3. Subsection 1 of section 35 of *The Public Utilities Act* is amended by inserting after the word "utility" in the fifth line the words "and after making any provision authorized by the council for a reserve fund established under section 312 of *The Municipal Act*", so that the subsection shall read as follows:

Excess of receipts over expenditures to be paid to municipal treasurer.

(1) Notwithstanding anything in *The Municipal Act*, the receipts arising from supplying any public utility or from property connected with the utility, after providing for the expenditures incurred for the maintenance and operations of the utility and after making any provision authorized by the council for a reserve fund established under section 312 of *The Municipal Act*, shall, quarterly or oftener if the council so directs, be paid over to the treasurer of the municipality and shall be placed to the credit of the utility in a separate account until the debentures and other forms of capital debt have been retired, and thereafter shall form part of the general funds of the municipality.

Rev. Stat., c. 243.

Commencement. **4.**—(1) This Act, except section 1, shall come into force on the day it receives the Royal Assent.

Idem.

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1950.

Short title.

5. This Act may be cited as The Public Utilities Amendment Act, 1951.

An Act to amend The Racing Commission Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

- 1. Section 11 of *The Racing Commission Act* is amended by Rev. Stat., adding thereto the following clauses:
 - (g) to license persons to operate race tracks at which horse racing in any of its forms is carried on;
 - (h) to license owners, trainers, drivers, jockeys, apprentice jockeys, grooms, jockeys' agents, jockeys' valets, exercise boys, tradesmen and such other persons in or about race tracks at which horse racing in any of its forms is carried on, as the Commission may deem expedient;
 - (i) to fix and collect fees or other charges for licences, prescribe the form thereof and the conditions under which they may be issued;
 - (j) to suspend or revoke any licence for conduct which the Commission considers to be contrary to the public interest;
 - (k) to require registration with the Commission of, and to register colours, assumed names, partnerships and contracts and such other matters and things as the Commission may deem expedient;
 - (l) to fix and collect fees or other charges for registration under clause k and to prescribe the form thereof and the conditions under which registration may be made;
 - (m) to make and promulgate rules for the conduct of horse racing in any of its forms;
 - (n) to employ stewards, veterinarians, analysts and such other persons as the Commission may deem expedient to attend at race meetings on behalf of the Commission;

- (o) to require approval by the Commission of the appointment of race track officials and employees whose duties relate to the actual running of horse races and to compel the discharge for cause of any such official or employee;
- (p) to fix, impose and collect fines and other penalties for violation of or failure to comply with any requirement of the Commission under this Act; and
- (q) to require persons licensed to operate race tracks to keep books of account in a manner satisfactory to the Commission, and to inspect such books at any time.

Rev. Stat., c. 329, s. 14, amended. 2. Section 14 of *The Racing Commission Act* is amended by striking out all the words after the word "Act" in the third line, so that the section shall read as follows:

Regulations.

14. The Lieutenant-Governor in Council may make regulations with respect to any and all matters or things as may be deemed necessary for the carrying out of this Act.

Rev. Stat., c. 329, amended.

3. The Racing Commission Act is amended by adding thereto the following section:

Racing rules, etc., to be administrative.

15. Rules for the conduct of horse racing may be promulgated by the Commission under this Act and any order or ruling issued or made by the Commission under this Act shall be deemed to be of an administrative and not of a legislative nature.

Commencement. **4.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as The Racing Commission Amendment Act, 1951.

An Act to amend The Railway Fire Charge Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

- 1. Subsection 1 of section 2 of *The Railway Fire Charge* Rev. Stat., *Act* is amended by striking out the symbol and figures subs. 1, "\$10" in the sixth line and inserting in lieu thereof the amended symbol and figures "\$15", so that the subsection shall read as follows:
 - (1) The owner or tenant of any railway lands shall pay Annual to the Minister annually for the uses of Ontario and charge for for the purpose of defraying the expenses of protecting the property, rights and interest of such owner or tenant against fire, for every square mile or fraction thereof of such railway lands a sum not exceeding \$15 per annum, as may be prescribed by the Lieutenant-Governor in Council from time to time.
- 2. Subsection 1 of section 3 of *The Railway Fire Charge* Rev. Stat., *Act* is amended by striking out the word "April" in the fourth subs. 1, line and inserting in lieu thereof the word "May", so that the amended. subsection shall read as follows:
 - (1) A tenant of railway lands shall be jointly and several-Liability of tenant. ly liable with the owner for the payment of the charge imposed by this Act and it shall become due and payable on or before the 1st day of May in each year.
- **3.** Section 9 of *The Railway Fire Charge Act* is amended by Rev. Stat., striking out the word "seven" in the second line and inserting amended. in lieu thereof the word "six", so that the section shall read as follows:
 - 9. All arrears in respect to the charge imposed by this Arrears to Act shall bear interest at the rate of six per cent per bear interest. annum from the date when the same became payable.

Due date in 1951. Rev. Stat., c. 330. **4.**—(1) Notwithstanding subsection 1 of section 3 of *The Railway Fire Charge Act*, payment of the charge for the year 1951 shall become due and payable on or before the 1st day of June in that year.

Notice of charge in 1951.

(2) Notwithstanding section 8 of *The Railway Fire Charge Act*, the collector shall, on or before the 1st day of May, 1951, cause to be inserted in *The Ontario Gazette* and in a newspaper published in each county and district in which railway lands are situate a notice of the sum prescribed under section 2 of that Act for the year 1951 and the date on which the charges imposed by that Act for the year 1951 are required to be paid.

Commencement. **5.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as The Railway Fire Charge Amendment Act, 1951.

367

CHAPTER 78

An Act to amend The Registry Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

- 1. Section 32 of *The Registry Act* is repealed and the follow-Rev. Stat.. c. 336, s. 32, re-enacted. ing substituted therefor:
 - 32. For the purpose of accommodating a system of Photorecording instruments by means of photographic reproduction duplicates, the Inspector of Legal Offices may, by ments regulation, designate any registry division as an area to which this section applies, and after the effective date of such designation no instrument, other than a plan of survey, executed after that date shall be registered if its dimensions are greater than $8\frac{1}{2}$ inches by 14 inches.
- 2. Subsection 1 of section 33 of *The Registry Act* is amended Rev. Stat., c. 336, s. 33, y striking out the word "or" in the first line and inserting subs. 1. by striking out the word "or" in the first line and inserting subs. 1, amended. in lieu thereof the word "of".
- **3.** Section 108 of *The Registry Act* is amended by striking Rev. Stat., out the symbol and figures "\$1,800" where they occur in the amended. seventh and tenth lines respectively and inserting in lieu thereof in each instance the symbol and figures "\$3,200", so that the section shall read as follows:
 - 108. Where it appears by return to the Lieutenant-Additional Governor or to any department of the Government certain that in any year a registrar of deeds or an officer 'holding the office of registrar of deeds and local master of titles has derived from the fees, emoluments and salary, if any, of his office, after deducting necessary disbursements, an income which is less than \$3,200, there may be paid on the report of the Inspector to such registrar or officer, out of the Consolidated Revenue Fund, an amount sufficient to make up the income for the year to \$3,200, if the Lieutenant-Governor in Council so directs.
- 4. This Act may be cited as The Registry Amendment Act, Short title. 1951.



An Act to confirm the Revised Statutes of Ontario, 1950

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

- 1. The Revised Statutes of Ontario, 1950, as printed by R.S.O. 1950 the King's Printer, shall be deemed to have come into force confirmed. and to have had effect as law on the 31st day of December, 1950, in accordance with the Proclamation of the Lieutenant-Governor made under the authority of section 6 of The 1949, c. 96. Statutes Consolidation Act, 1949 and dated the 9th day of November, 1950.
- 2. The enactments mentioned in Schedule A appended to Repeal of the Revised Statutes of Ontario, 1950 shall be deemed to have enactments been repealed on the 31st day of December, 1950, to the confirmed extent mentioned in the third column of the said Schedule in accordance with subsection 2 of section 6 of *The Statutes Consolidation Act*, 1949.
- 3. The Legislature shall not, by reason of the passing of Judicial this Act, be deemed to have adopted the construction which, interpreby judicial decision or otherwise, may have been placed upon the language of any Act in the Revised Statutes of Ontario, 1950, or upon similar language.
- 4. Nothing in this Act shall be deemed to affect the opera-Saving. tion of subsection 2 of section 5 of *The Statutes Consolidation Act*, 1949 or of sections 7 to 11 of that Act.
- 5. This Act may be cited as The Revised Statutes Con-Short title. firmation Act, 1951.



An Act respecting Rural Telephone Systems

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

WHEREAS it is in the public interest that the telephone Preamble. systems serving the inhabitants of the rural parts of Ontario be improved, extended and co-ordinated; and whereas it is deemed expedient to charge the Commission with the duty of promoting these objects in the manner hereinafter provided;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation.

- (a) "Commission" means The Hydro-Electric Power Commission of Ontario;
- (b) "company" has the same meaning as in The Tele-Rev. Stat., phone Act.

2.—(1) The Commission shall,

Duties and powers of Commission.

- (a) inquire into and survey the ways and means by which the objects of this Act may be promoted;
- (b) furnish such information and advice as may be helpful in promoting the objects of this Act;
- (c) co-operate with and assist the companies in promoting the objects of this Act and for such purpose may make the services of its engineers, technicians and workmen available to the companies or any of them and may purchase for and sell to the companies or any of them such materials and equipment as may be requested;
- (d) do whatever else is necessary in its opinion to promote the objects of this Act.
- (2) The Commission, with the approval of the Lieutenant-Assistance. Governor in Council, may require the Department of Lands

and Forests, the Ontario Northland Transportation Commission or any other department, branch, board, commission or agency of the Crown in right of Ontario to collaborate with and assist it in carrying out its duties under this Act.

Payment to Commission.

3. The Lieutenant-Governor in Council may authorize the Treasurer of Ontario to pay to the Commission out of the Consolidated Revenue Fund such moneys as the Commission may require in the performance of its duties or in the exercise of its powers under this Act.

The Ontario Telephone Account.

4. The Commission shall open an account to be styled "The Ontario Telephone Account" into which shall be paid all moneys paid to the Commission by the Treasurer of Ontario under section 3 and to which shall be charged the costs and expenses of the Commission incurred under this Act, including charges to compensate the Commission for the services of its officers and other employees rendered under this Act and including the portion of the total administrative expenses of the Commission that have been incurred by reason of this Act.

Commission not to spend unless money on hand.

5. The Commission shall not spend or lend any money or incur any obligation for the purposes of this Act unless it has in hand the money therefor after providing for costs and expenses referred to in section 4.

Rev. Stat., c. 281, ss. 11, 12 not to apply.

6. Sections 11 and 12 of *The Power Commission Act* shall not apply to the receipts and expenditures of the Commission under this Act.

Annual estimate and statement.

7. On or before the 1st day of November in each year the Commission shall furnish the Lieutenant-Governor in Council with an estimate of the moneys required under section 3 during the next ensuing fiscal year of the Commission and a statement of The Ontario Telephone Account for the next preceding fiscal year of the Commission.

Commencement.

8. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

9. This Act may be cited as The Rural Telephone Systems Act, 1951.

An Act to amend The Sanatoria for Consumptives Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

- 1. Subsection 1 of section 45 of *The Sanatoria for Consump*-Rev. Stat., *tives Act* is amended by inserting after the word "tuberculosis" ^{c. 346}, ^{s. 45}, in the fifth line the words "or who has been in contact with ^{amended} any person suffering from tuberculosis or who has been a patient in a sanatorium", so that the subsection shall read as follows:
 - of an inspector, require any person who is resident officer in the municipality or district for which the medical examination officer of health is appointed, and who is suspected by the medical officer of health to be suffering from tuberculosis or who has been in contact with any person suffering from tuberculosis or who has been a patient in a sanatorium, to submit to such examination for tuberculosis as the medical officer of health shall direct.
- 2. This Act may be cited as The Sanatoria for Consumptives short title. Amendment Act, 1951.



SCHOOL SITES

An Act to amend The School Sites Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The School Sites Act* is repealed.

Rev. Stat., c. 348, s. 4, repealed.

- 2. Subsection 1 of section 5 of *The School Sites Act* is Rev. Stat., amended by striking out the words "to section 4 and" in the subs. 1, first line, so that the subsection shall read as follows:
 - (1) Subject to the provisions of *The Public Schools Act* Board may as to the selection of a site by the board of a rural expropriate. school section, every board may acquire by purchase Rev. Stat., or otherwise or may expropriate any land described c. 316. in a resolution of the board declaring that the land is required for a school site or for the enlargement of a school site.
- 3. This Act may be cited as The School Sites Amendment Short title. Act, 1951.



The Statute Law Amendment Act, 1951

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

- 1.—(1) Schedule A to *The Administration of Justice* Rev. Stat., *Expenses Act* is amended by inserting the following items under Sched. A. the heading "Crown Attorneys":
 - 3. Attendance on judge of the county court by his special requisition in writing where application is made by a prisoner to be admitted to bail 2.00

 - 5. Assisting Crown counsel at Supreme Court, per diem. . 15.00
 - If copies of depositions are required by the presiding judge or Crown counsel, the same shall be prepared by the Crown attorney and allowed at the rate of 10 cents per folio.
- (2) Schedule B to *The Administration of Justice Expenses* Rev. Stat., *Act* is amended by inserting the following items under the Sched. B, heading "Crown Attorneys":
 - 3. Attendance on judge of the county court by his special requisition in writing where application is made by a prisoner to be admitted to bail 2.00
- 2. Section 14 of *The Assignment of Book Debts Act* is Rev. Stat., amended by striking out the word "extent" in the eighth amended. line and inserting in lieu thereof the word "extend".
- **3.** Clause m of section 1 of *The Credit Unions Act* is amended $\frac{\text{Rev. Stat.}}{\text{c. 79, s. 1,}}$ by striking out the word "register" in the first line and $\frac{\text{cl. }m.}{\text{amended.}}$ inserting in lieu thereof the word "registrar".
- **4.** Section 2 of *The Embalmers and Funeral Directors Act* Rev. Stat., is amended by adding thereto the following subsection:

Seat in Assembly not vacated.

Rev. Stat., c. 202. (4) Notwithstanding anything in *The Legislative Assembly Act*, the appointment of a member of the Board, if he is a member of the Assembly, shall not be avoided by reason of the payment to him or the acceptance by him of any *per diem*, travelling or living allowance under this Act, nor shall he thereby vacate or forfeit his seat or incur any of the penalties imposed by that Act for sitting and voting as a member of the Assembly.

Rev. Stat., c. 233, s. 5, subs. 1, cl. hh (1951, c. 50, s. 3), amended.

- 5. Clause hh of subsection 1 of section 5 of The Milk Control Act, as enacted by section 3 of The Milk Control Amendment Act, 1951, is amended by inserting after the word "by" in the second line the words "wholesale or", so that the clause shall read as follows:
 - (hh) after a public hearing, prescribe maximum prices at which milk may be sold by wholesale or retail in any market.

1951, c. 50, s. 7, amended. **6.** Section 7 of *The Milk Control Amendment Act*, 1951 is amended by adding thereto the following subsection:

Interpretation.

(4) In this section the words "milk" and "market" have the same meanings as in *The Milk Control Act*.

1947, c. 89, s. 34, subs. 2 (1948, c. 74, s. 7), amended.

7. Subsection 2 of section 34 of *The Public Service Act*, 1947, as re-enacted by section 7 of *The Public Service Amendment Act*, 1948 and amended by subsection 2 of section 3 of *The Public Service Amendment Act*, 1950, is further amended by striking out the figures "1950" in the amendment of 1950 and inserting in lieu thereof the figures "1952", so that the subsection shall read as follows:

Where contributions withdrawn.

(2) Where a person who was an employee on the 1st day of March, 1948, has withdrawn his contributions from the teachers' and inspectors' superannuation fund, he may pay into the Fund before the 1st day of July, 1952, the amount withdrawn with interest from the date of such withdrawal at four and three-quarters per centum per annum compounded half-yearly.

Rev. Stat., c. 351, s. 1, cl. a, amended.

8. Clause *a* of section 1 of *The Securities Act* is amended by striking out the word "or" in the fifth line and inserting in lieu thereof the word "of".

Rev. Stat., c. 384, s. 1, cl. d, subcl. ii, amended.

9.—(1) Sections 1, 2, 3 and 8 shall be deemed to have come into force on the 31st day of December, 1950.

Chap. 83

- (2) Sections 4 and 5 shall come into force on the day this Idem. Act receives the Royal Assent.
- (3) Section 6 shall be deemed to have come into force on Idem. the 21st day of March, 1951.
- 10. This Act may be cited as The Statute Law Amendment short title. Act, 1951.



381

CHAPTER 84

An Act to amend The Succession Duty Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

- **1.** Clause p of section 1 of *The Succession Duty Act* is Rev. Stat., amended by striking out the word "and" at the end of sub-c. 378, s. 1. cl. p, clause x and by adding thereto the following subclauses: amended.
 - (xii) any right which any person had at the time of death of the deceased under an agreement made by the deceased during his lifetime whereby such person agreed to purchase after the death of the deceased any property of the deceased or any property over which the deceased had any means of control, at a fixed price or at a price to be fixed, where the value of the consideration for the agreement to purchase, including the price so fixed, is less than the value, at the time of the agreement and at the date of death of the deceased, of the property, and
 - (xiii) any right which any person had at the time of death of the deceased under an agreement made by the deceased during his lifetime, to exercise after the death of the deceased, an option to purchase any property of the deceased or any property over which the deceased had any means of control, at a fixed price or at a price to be fixed, where the value of the consideration for the purchase of the property, including the price so fixed, is less than the value, at the date of death of the deceased, of the property.
- 2. Subsection 1 of section 2 of *The Succession Duty Act* Rev. Stat., is amended by striking out the word "and" at the end of subs. 1, clause b and by adding thereto the following clauses:
 - (d) the value of the right mentioned in subclause xii of clause p of section 1 shall be an amount equal to

the difference between the value of the consideration for the agreement to purchase, including the price so fixed, and the value of the property at the date of death of the deceased, and where the value of the property has varied between the time of the agreement and the date of death of the deceased, the value of the consideration shall be deemed to vary in like proportion; and

(e) the value of the right mentioned in subclause xiii of clause p of section 1 shall be an amount equal to the difference between the value of the property at the date of death of the deceased and the value of the consideration for the purchase of the property, including the price so fixed.

Rev. Stat., c. 378, s. 4, subs. 1, cl. g, re-enacted.

- **3.** Clause g of subsection 1 of section 4 of *The Succession Duty Act* is repealed and the following substituted therefor:
 - (g) any disposition where actual and bona fide enjoyment and possession of the property in respect of which the disposition is made, was assumed more than five years before the date of death of the deceased by the person to whom the disposition is made, or by a trustee for such person, and thenceforward retained to the entire exclusion of the deceased or of any benefit to him whether voluntary or by contract or otherwise.

Commencement. **4.**—(1) This Act shall come into force on the day it receives the Royal Assent.

Application. of ss. 1, 2.

(2) Sections 1 and 2 shall apply to any agreement made on or after the 6th day of March, 1951.

Short title.

5. This Act may be cited as The Succession Duty Amendment Act, 1951.

383

CHAPTER 85

An Act for granting to His Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1951, and for the Public Service for the fiscal year ending the 31st day of March, 1952

> Assented to April 5th. 1951. Session Prorogued April 5th, 1951.

MOST GRACIOUS SOVEREIGN:

THEREAS it appears by messages from the Honourable Preamble. Ray Lawson, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1951, and for the fiscal year ending the 31st day of March, 1952, and for other purposes connected with the public service; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

- 1. There may be paid out of the Consolidated Revenue \$1,500,000 Fund a sum not exceeding in the whole \$1,500,000 to be fiscal year applied towards defraying the several charges and expenses 1950-51. of the public service, not otherwise provided for, from the 1st day of April, 1950, to the 31st day of March, 1951, as set forth in Schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such Schedule is based.
- 2. There may be paid out of the Consolidated Revenue Fund \$231,896,205 a sum not exceeding in the whole \$231,896,205 to be applied fiscal year towards defraying the covered charges and expenses of the ¹⁹⁵¹⁻⁵². towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1951, to the 31st day of March, 1952, as set forth in Schedule B to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such Schedule is based.

Accounting for expenditure.

3. The due application of all moneys expended under this Act out of the Consolidated Revenue Fund shall be accounted for to His Majesty.

Commencement. **4.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as The Supply Act, 1951.

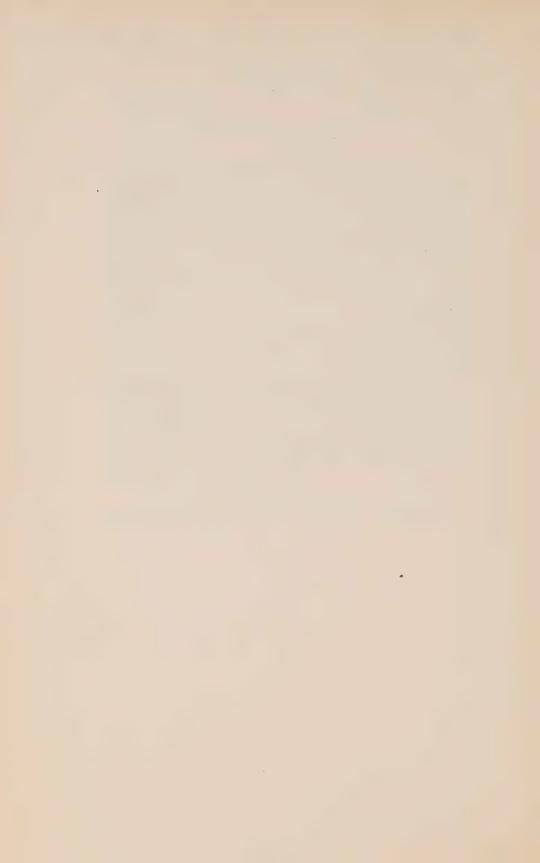
SCHEDULE A

Health Department.		\$ 1,500,000.00
--------------------	--	-----------------

SCHEDULE B

Agriculture Department\$	8,296,000.00
Attorney-General's Department	9,373,900.00
Education Department	59,853,000.00
Health Department	39,741,000.00
Highways Department	3,320,300.00
Insurance Department	132,000.00
Labour Department	7,122,000.00
Lands and Forests Department	12,942,000.00
Lieutenant-Governor's Office	20,000.00
Mines Department	1.941,000.00
Municipal Affairs Department	1,707,500.00
Planning and Development Department	1,123,000.00
Prime Minister's Office	205,005.00
Provincial Auditor's Office	219,500.00
Provincial Secretary's Department	942,000.00
Provincial Treasurer's Department	3,507,000.00
Public Welfare Department	56,945,000.00
Public Works Department	16,007,000.00
Reform Institutions Department	7,596,000.00
Travel and Publicity Department	653,000.00
Miscellaneous	250,000.00
1111000114110040	200,000.00

Total estimate of expenditure for the fiscal year 1951-52......\$231,896,205.00



An Act to amend The Teachers' Superannuation Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subclause ii of clause d of section 1 of *The Teachers'* Rev. Stat., Superannuation Act is amended by striking out the words cl. d. "supported in whole or in part by contributions from the subcl. ii. Province or from a municipal corporation, and" in the first, second, third and fourth lines, so that the subclause shall read as follows:
 - (ii) as a teacher in a school or class designated by the regulations.
- (2) Subclause v of clause d of the said section 1 is amended Rev. Stat., by inserting after the word "Schools" in the fourth line the cl. d, subcl. words "the Ontario College of Art", so that the subclause v. amended shall read as follows:
 - (v) as a teacher on the instructional staff of any normal school in Ontario, the Ontario College of Education, the University of Toronto Schools, the Ontario College of Art, the Ontario School for the Deaf, the Ontario School for the Blind, the Province of Ontario Correspondence Courses, the Royal Ontario Museum, or any railway-car school, where the teacher has contributed to the fund for a period of at least one year.
- **2.**—(1) Subclause iii of clause p of section 57 of The Rev. Stat., Teachers' Superannuation Act is repealed and the following cl. p, subcl. substituted therefor:
 - (iii) in any school maintained by the Government of Canada for children of members of the armed forces of Canada, for Indians, or for inmates of penal institutions.

Rev. Stat., c. 384, s. 57, cl. q, re-enacted.

- (2) Clause q of the said section 57 is repealed and the following substituted therefor:
 - (q) providing for and regulating the payment out of the fund into a similar fund established by the Government of Canada or the government of any province of Canada of the contributions to the fund of a teacher or inspector who ceases to be employed within the meaning of this Act and who becomes a contributor to any such similar fund.

Application of cl. q.

(3) Any regulation made under the authority of clause q as re-enacted by subsection 2 may be applied to any person with credit in the Teachers' Superannuation Fund on or after the 1st day of April, 1949.

Short title.

3. This Act may be cited as The Teachers' Superannuation Amendment Act, 1951.

An Act to amend The Training Schools Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 1 of section 15 of *The Training Schools Act* Rev. Stat., is amended by striking out the figures "75" in the sixth line subs. 1, and inserting in lieu thereof the figures "90", so that the subsection shall read as follows:
 - (1) Subject as in this Act may otherwise be provided, Liability when a boy or girl is sent or admitted to a training pality. school, the municipality to which the boy or girl belongs shall be liable to the Department in the case of an Ontario training school and to the society operating the training school in the case of a private training school, for and shall pay the sum of 90 cents per day towards the cost of maintenance and education of the boy or girl for each actual day's stay of the boy or girl in the training school.
- 2. Subsection 1 of section 20 of *The Training Schools Act* Rev. Stat., is amended by striking out the figures "75" in the first line subs. 1. and inserting in lieu thereof the figures "90" and by striking out the symbol and figures "\$1.50" in the fourth line and inserting in lieu thereof the symbol and figures "\$1.80", so that the subsection shall read as follows:
 - (1) The sum of 90 cents per day and in the case of a boy Contributor girl belonging to a part of a provisional judicial Province to district not within a city or separated town or a town schools. or township having a population of 5,000 or over the sum of \$1.80 per day for each day's actual stay of a boy or girl in a private training school shall be paid quarterly by the Treasurer of Ontario to the society maintaining the training school out of any moneys appropriated for that purpose.
- 3. This Act shall be deemed to have come into force on the Commence-1st day of April, 1951.
- 4. This Act may be cited as The Training Schools Amend-Short title. ment Act, 1951.



An Act to amend The Trustee Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.**—(1) Section 37 of *The Trustee Act* is amended by adding Rev. Stat., thereto the following subsection:
 - (2a) Where a person wronged is unable to maintain an Actions action under subsection 2 because neither letters executor or probate of the will of the deceased person nor letters administration of the deceased person's estate have been granted within six months after the death, a judge of the Supreme Court may, on the application of the person wronged and on such notice as he may deem proper, appoint an administrator ad litem of the estate of the deceased person, whereupon,
 - (a) the administrator ad litem shall be deemed to be an administrator against whom an action may be brought under subsection 2; and
 - (b) any judgment obtained by or against the administrator ad litem shall be of the same force and effect as a judgment in favour of or against the deceased person, as the case may be.
- (2) Subsection 1 shall apply whether the wrong was com-Application mitted or the deceased person died before or after the coming into force of this Act.
- 2. This Act shall come into force on the day it receives the Commence-Royal Assent.
- 3. This Act may be cited as The Trustee Amendment Act, Short title. 1951.



An Act to amend The Unclaimed Articles Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subclause i of clause a of section 1 of *The Unclaimed* Rev. Stat., Articles Act is amended by inserting after the word "pressing" cl. a, subcl. i, in the second line the word "dyeing", so that the subclause amended. shall read as follows:
 - (i) which is deposited with a person for cleaning, pressing, dyeing, glazing, washing or repairing, and

(2) Subclause i of clause b of the said section 1 is amended Rev. Stat., by inserting after the word "pressing" in the third line the cl. b, word "dyeing", so that the subclause shall read as follows: amended.

(i) which is deposited with a person for storage whether or not it is also deposited for cleaning, pressing, dyeing, glazing, washing or repairing, and

2. This Act may be cited as The Unclaimed Articles Amend-Short title. ment Act, 1951.



An Act to amend The Unemployment Relief Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

TIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Section 11 of *The Unemployment Relief Act* is repealed Rev. Stat., ad the following substituted therefor: and the following substituted therefor:
 - 11.—(1) In this section, "person" includes a family Interpretaconsisting of the members of one household.
 - (2) For the purposes of this Act, a person shall be Residence deemed to reside in the municipality or district in defined which he has last resided for a period of twelve consecutive months since the 1st day of April, 1948, or such other date as the Lieutenant-Governor in Council may substitute therefor.
 - (3) Notwithstanding subsection 2, where a person who Reimbursehas not resided in Ontario for a period of twelve municipality consecutive months is granted direct relief by a for relief municipality in Ontario, that municipality shall be residents. entitled to be reimbursed by the Province for the full amount authorized by the regulations to be expended for his relief until he has resided in the municipality for a period of twelve consecutive months.
 - (4) Notwithstanding subsection 2, where a person has Responsinot resided in any municipality or district in Ontario relief of for a period of twelve consecutive months and is to residents. be returned to his former place of residence outside of Ontario, the municipality or district in which he resides when he applies for direct relief shall be deemed to be the municipality or district in which he resides for the purposes of this Act.
 - (5) Where a person in receipt of direct relief moves from Responsione municipality or district in Ontario to another, relief of the municipality or district from which he moves move from one municipality or district from which he moves move from one municipality to

shall another.

Rev. Stat., cc. 258; 242. shall be liable for his direct relief until he has resided for twelve consecutive months in the municipality or district to which he has moved, and such twelve consecutive months shall, except where he or either of his parents is in receipt of a pension under *The Old Age Pensions Act* or is a beneficiary under *The Mothers' Allowances Act*, be computed from the day he commences to support himself by gainful employment.

Recovery by one municipality from another. (6) Where a person has moved from one municipality or district in Ontario to another as provided in subsection 5, the latter may claim from the former, in any court of competent jurisdiction, any sums expended by it for his direct relief before he established residence in the latter, but the sums so recoverable shall not include any amounts that the latter has received or is entitled to receive from any source other than its own taxation.

Responsibility for relief of persons who are moved from unorganized territory to a municipality.

(7) If a person in receipt of direct relief is moved by a provincial welfare supervisor from territory without municipal organization to a municipality under an agreement with the municipality, he shall, for the purposes of this Act, be deemed to continue to reside in the territory without municipal organization from which he was moved.

Computation of periods of time.

(8) In computing periods of time under this section, any period of time spent by a person as an inmate of a hospital, nursing home, charitable institution or institution for custodial, medical or other care shall not be included.

Commencement.

2. This Act shall come into force on the day it receives the Royal Assent.

Short title.

3. This Act may be cited as The Unemployment Relief Amendment Act, 1951.

An Act to amend The Vital Statistics Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 5 of section 3 of *The Vital Statistics Act* is Rev. Stat., repealed and the following substituted therefor:

 subs. 5, re-enacted.
 - (5) The Registrar-General shall, after the close of the Annual calendar year, file with the Provincial Secretary a report as to the number of births, marriages, deaths, still-births, adoptions, divorces and changes of names registered during the preceding calendar year.
 - (5a) The Provincial Secretary shall submit the report to Tabling. the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.
- 2. Subsections 1 and 2 of section 26 of *The Vital Statistics* Rev. Stat., and 2 of section 26 o
 - (1) Upon receipt of a certified copy of an order trans-Registramitted under section 17 of *The Change of Name Act*, than of order or a certified copy of an order made under an Act name. of another province changing the name of any person Rev. Stat., who was born or married in Ontario, the Registrar-General shall register the order.
 - (2) If the birth or marriage of a person whose name is Notation of change changed by the order is or becomes registered in on registration, the Registrar-General, upon production of evidence satisfactory to him of the identity of the person, shall cause a notation of the change of name with a reference to the registration of the order to be made upon the registration of birth or marriage of the person, and shall cause a reference to the registration of the birth or marriage to be endorsed on the copy of the order.

Rev. Stat., c. 412, s. 33, subss. 4, 5, re-enacted; subs. 6, repealed.

3. Subsections 4, 5 and 6 of section 33 of *The Vital Statistics Act* are repealed and the following substituted therefor:

Subregistrars. (4) A division registrar may, with the approval of the Registrar-General, appoint sub-registrars for the special purpose of issuing burial permits upon the delivery of a completed statement of personal particulars and medical certificate and upon payment of a special fee of 25 cents.

Subregistrar to forward documents.

(5) A sub-registrar shall forthwith transmit the statement of personal particulars and the medical certificate to the division registrar by whom he was appointed.

Short title.

4. This Act may be cited as The Vital Statistics Amendment Act, 1951.

An Act to amend The Vocational Education Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of 1 the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Part III of *The Vocational Education Act* is repealed.

Rev. Stat., c. 413, Part III (ss. 24-28), repealed.

2. This Act may be cited as The Vocational Education Short title. Amendment Act, 1951.



The Voters' Lists Act, 1951

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpretation.

(a) "board" means election board established under *The Election Act*, 1951;

1951, c. 21.

- (b) "judge" means judge of the county or district court of the county or district and includes a junior or acting judge, but does not include a deputy judge;
- (c) "polling subdivision", "rural polling subdivision" and "urban polling subdivision" mean such polling subdivisions as defined in *The Election Act*, 1951;
- (d) "prescribed" means prescribed by this Act or by the regulations made under this Act;
- (e) "voter" means a person entitled to be a voter, or to be named in the voters' list as qualified to be a voter either at an election of a member of the Assembly or at a municipal election, as the case may be. R.S.O. 1950, c. 414, s. 1, amended.

RULES AND FORMS

- 2.—(1) The Lieutenant-Governor in Council may prescribe Rules and rules and forms of procedure for the purpose of better carrying out Parts I and II of this Act.
- (2) The forms in the Schedule to this Act may be modified Forms or varied, but any such modification or variation shall be subject to the approval of the judge. R.S.O. 1950, c. 414, s. 2.

APPLICATION OF PARTS

Application, Part I:

3.—(1) Part I applies to towns, villages, townships and, except as varied by Part II, to cities. R.S.O. 1950, c. 414, s. 3 (1).

Part II.

(2) Part II applies to every city in which a by-law has been passed fixing separate dates for the return of the assessment rolls for each ward or division of a ward, as defined in the by-law. R.S.O. 1950, c. 414, s. 3 (2), amended.

Where list destroyed by fire or accident.

(3) Where through accident, fire or otherwise a municipality has no assessment roll or voters' list prepared under Part I or II, the municipality shall for the purposes of this Act be deemed to be a part of Ontario without municipal organization. R.S.O. 1950, c. 414, s. 3 (5), amended.

Fees and expenses paid by Province.

4. The fees and expenses of the board, the revising officers and clerks, the clerks of municipalities and the clerks of the peace in connection with the revision of the lists for provincial elections under Part III shall be payable by the Province, and such fees and expenses shall be paid out of the Consolidated Revenue Fund to the persons entitled thereto upon the certificate of the chairman of the board and the Auditor of Criminal Justice Accounts. R.S.O. 1950, c. 414, s. 4, amended.

Revising officer's a decision final.

5. The decision of the revising officer under Part III in regard to the right of any person to vote, or as to the right to enter on or strike from the lists the name of any person as a voter, shall be final. R.S.O. 1950, c. 414, s. 5, amended.

Returning officer to act on receipt of telegram in lieu of actual receipt of writ.

6. Notwithstanding anything in this Act or *The Election Act*, 1951 or any regulations made under either of the said Acts, a returning officer in any electoral district, on being advised by the Chief Election Officer by telegraph that a writ of election has been directed to him, shall forthwith commence his duties as prescribed by the said Acts and regulations, without waiting until he actually receives the writ. R.S.O. 1950, c. 414, s. 6, amended.

PART I

LIST OF VOTERS AND COPIES

List of voters in parts.

7.—(1) The clerk of each municipality, immediately after the return of the assessment roll in every year, shall make a correct list for each polling subdivision of the municipality in two parts (Form 1) of all persons appearing by the assessment roll or by the supplementary roll prepared by the assessor to be voters. R.S.O. 1950, c. 414, s. 7 (1), amended.

- (2) The list shall be made up in the same order as the How made up. assessment roll is prepared in the municipality except where the council by resolution has directed that it be made up alphabetically. R.S.O. 1950, c. 414, s. 7 (2), amended.
- (3) The first part shall contain the names of all persons First part. appearing by the assessment roll to be voters at both provincial and municipal elections. R.S.O. 1950, c. 414, s. 7 (3), amended.
- (4) The second part shall contain the names of all persons Second part. appearing by the assessment roll to be voters at municipal elections but not at provincial elections. R.S.O. 1950, c. 414, s. 7 (4).
- (5) The name of the same person shall not be entered more Name to be entered once than once on the first or second part of the list, except that only on first in the case of a municipality divided into wards the name of part. the same person shall be entered upon the list as qualified to vote at municipal elections in every ward in which he is assessed for a sufficient amount to qualify him so to vote.
- (6) Where a municipality is divided into polling sub-List for divisions, lists shall be made for each subdivision.
- (7) In the case of a person who is a municipal elector by Entering name of reason of being the wife or husband of the person rated or husband or entitled to be rated for land as provided by *The Municipal* person rated. Act, or by reason of being a farmer's daughter, the clerk Rev. Stat., shall insert the letters "M.F.N.C." opposite the name of c. 243. such person in the proper column, meaning that such person is entitled to vote at municipal elections, but is not to be counted for the purpose of determining representation in the county council.
- (8) Where the qualification of a person to be a voter at a Where qualification municipal election is in respect of real property, the clerk in respect of shall insert in the proper column opposite the name of such real property. person, the number of the lot or other proper description of the parcel of real property in respect of which such person is so qualified adding thereto, where the person is so qualified in respect of more than one lot or parcel, the words "and other premises".
- (9) In the case of a person being a farmer's son or a farmer's Farmer's daughter, the clerk shall insert opposite the name in the proper farmer's column the words "Farmer's Son" or "Farmer's Daughter" daughter or the letters "F.S." or "F.D.", as the case may be.

Entry where voter assessed in several divisions of same ward.

(10) Where a ward is divided into polling subdivisions and it appears by the assessment roll that a person is assessed in each of two or more polling subdivisions for property sufficient to entitle him to be a voter at a municipal election, the clerk shall enter his name on the list for one subdivision only, and shall insert opposite his name the words "and other premises", and where to the knowledge of the clerk the person resides in one of the subdivisions, his name shall be entered on the list for that subdivision.

Where property partly in one sub-division and partly in another.

(11) Where it appears by the assessment roll that a person is assessed for property within the municipality sufficient to entitle him to be a voter at a municipal election, but that the property lies partly within one subdivision and partly within another or others, the clerk shall enter the name of such person on the list of voters in only one of the subdivisions in which the property is situate, and add the words "Partly qualified in subdivision No. ".

Entry in list of person assessed as freeholder or tenant. (12) Where the word "Owner" or the letter "O", or the word "Tenant" or the letter "T", appears in the assessment roll opposite the name of a person entitled to be entered on the list, such word or letter shall be placed opposite the name of such person. R.S.O. 1950, c. 414, s. 7 (8-15).

Entries of those qualified as jurors.

(13) The clerk in making out the list shall, in a separate column provided for the purpose, insert the letter "J" in the list opposite the name of every person over twenty-one and under seventy years of age who by the roll appears to be qualified and liable to serve as a juror, and the list shall show at or near the end of the second part the aggregate number of names of persons upon the list qualified to serve on juries, and in the case of municipalities divided into wards the list shall give the same information for each ward. R.S.O. 1950, c. 414, s. 7 (16), amended.

Entries of separate school supporters.

(14) The clerk shall, in a separate column of the voters' list, insert the letter "S" opposite the name of every person who is shown on the assessment roll as a separate school supporter and also after the name of the wife or husband of every such person if the wife or husband is shown by the roll to be a Roman Catholic. R.S.O. 1950, c. 414, s. 7 (17).

Entry of P.O. address of voter.

8.—(1) The clerk of every township, in making out the list, shall insert therein a schedule (Form 1) containing the name, numbered consecutively, of every post office which by the assessment roll appears as the address of any person on the list and shall, according to the form and in the proper column therefor, insert opposite the name of every voter entered on the list the consecutive number which according to the schedule is his post office address, so far as the address appears

Chap. 93

by the assessment roll or is within the knowledge or belief of the clerk, but no appeal or complaint, on the ground of any error, mistake or omission in or from the list in respect of any matter or thing directed to be inserted therein by this section, shall be made or allowed by or under this Act.

(2) Where it appears by the assessment roll of a township Entry of non-resident that a person who is not resident in the township is entered voter in upon the assessment roll and assessed for sufficient property division to entitle him to vote at municipal elections in the township, where such non-resident person at any time after the return of the qualified. assessment roll and before the reproduction of the voters' list by the clerk may give notice in writing, signed by him and verified by a statutory declaration, to the clerk requesting that his name be entered on the voters' list for some other polling subdivision in the township than that in which he is so assessed, and thereupon the clerk may enter the name of the non-resident person on the list for any other polling subdivision so designated and after the name shall enter the property in respect of which he is qualified to vote and the polling subdivision in which the property is situate. R.S.O. 1950, c. 414, s. 8.

9. Immediately after the clerk has made the list, and Printing and diswithin thirty days after the return of the assessment roll, the tribution of list. clerk shall cause at least 175 copies of the first and second parts of the list to be reproduced by mechanical means in pamphlet form, and immediately thereafter shall cause one of such copies to be posted up and kept posted up in a conspicuous place in his office, and deliver or mail fifteen copies to the clerk of the peace and one copy,

- (a) to the judge or senior judge of the county or district court of the county or district to which the municipality belongs for judicial purposes;
- (b) to the head and every member of the council of the municipality;
- (c) to the sheriff:
- (d) to every postmaster in the municipality;
- (e) to the secretary of every school board in the municipality;
- (f) to the clerk of the council of the county in which the municipality is situate;
- (g) to the registrar of deeds, if he has so requested in writing before the 1st day of July in the year;

- (h) to the clerk of the division court within whose division the municipality is partly or wholly situate, if he has so requested in writing before the 1st day of July in the year;
- (i) to the member of the House of Commons and of the Assembly for the electoral district in which the municipality or any part thereof is situate; and
- (j) to every other candidate for whom votes were given at the then last election of a member of the House of Commons and of the Assembly, respectively, for the electoral district in which the municipality or any part thereof lies, who has so requested in writing before the 1st day of July in the year. R.S.O. 1950, c. 414, s. 9, amended.

Certificate of clerk.

10.—(1) Upon each of the copies of the first part so delivered or mailed there shall be a certificate of the clerk (Form 2) stating that the list is a correct list of all persons appearing by the assessment roll to be voters at provincial and municipal elections, and upon each of the copies of the second part so delivered or mailed there shall be a certificate of the clerk (Form 3) stating that the list is a correct list of all persons appearing by the assessment roll to be voters at municipal elections only, and the certificates shall contain clauses calling upon all voters to examine the lists and to take immediate proceedings to have omissions or errors corrected according to law.

Endorsment of date.

(2) Upon the outside or cover of each of the copies so sent shall be printed or written conspicuously the date of the posting up of the list thus:

"This list was posted up in the Clerk's Office on the......day of......, 19...."

R.S.O. 1950, c. 414, s. 10.

Posting up.

11. Upon receipt of the copies of the list, the sheriff shall post up one copy in a conspicuous place in the court house, the clerk of the peace shall post up one copy in a conspicuous place in his office, and every postmaster shall post up one copy in a conspicuous place in his post office. R.S.O. 1950, c. 414, s. 11 (1), amended.

Notice of transmission and posting up of list. 12. The clerk shall also forthwith cause to be inserted at least once in a newspaper published in the municipality, or, if none is published therein, in a newspaper having a general circulation in the municipality, a notice (Form 4) signed by him which shall state that he has delivered or transmitted the copies of the list as directed by this Act, and the date of the first posting up of the list in his office, and the last day for entering appeals. R.S.O. 1950, c. 414, s. 12, amended.

REVISION OF FIRST AND SECOND PARTS OF LIST

- 13.—(1) The first and second parts of the list shall be Revision of subject to revision by the judge at the instance of any voter judge. who complains that the names of voters have been omitted from the list or wrongly stated therein, or that the names of persons who are not entitled to be voters have been entered on either of the parts, and the following provisions of this Part and of Part II, so far as they are applicable, apply to the revision of the first and second parts of the list. R.S.O. 1950. c. 414, s. 13 (1).
- (2) Upon the revision, the assessment roll shall not be Assessment roll shall not be Assessment conclusive evidence in regard to any matter. R.S.O. 1950, conclusive. c. 414, s. 13 (2), amended.
- (3) Upon the revision, no person shall be disentitled to have Idem. his name entered on the list by reason of his having omitted to make, sign or deliver any statement or affidavit required by The Assessment Act, or of his name not having been entered Rev. Stat., on the assessment roll.
- (4) The decision of the judge as to the right of any person Judge's to vote, or as to the right to enter on or strike from the list final. the name of any person as a voter, shall be final.
- (5) In the case of a list for a town, village or township, When evidence by the judge shall receive, as evidence in support of an application affidavit receivable. to have the name of a person entered on the list, the affidavit of such person or of some other person who has and deposes that he has personal knowledge of the matter set forth in the affidavit (Form 5), if the affidavit is made not earlier than the tenth day next preceding the last day for making complaints to the judge and is delivered to the clerk before the time for making complaints has expired. R.S.O. 1950, c. 414, s. 13 (3-5).

- 14.—(1) Any voter whose name is entered on or who is Who may entitled to have his name entered on the list shall have the complain. right for all purposes of this Act, upon giving notice in writing (Form 6) within fourteen days after the clerk has posted up the list in his office, to apply, complain or appeal to have his own name or the name of any person corrected in, entered on or removed from the first or second part of the list.
- (2) Any person who has acquired the qualification entitling Persons who him to vote at a municipal election before the time for giving acquired the notice of appeal to the judge has expired shall be deemed perfore time to be a person entitled to be entered on the list, and if entered for giving notice has

expired.

thereon he shall be entered also on the assessment roll and shall be assessed for his property if not already assessed therefor without any request on his part, and the judge and clerk, for the purpose of such assessment, shall have the powers and perform the duties mentioned in section 41.

Complaint

(3) A person whose name is entered on the first or second that person named on part of the list and has, before the time for giving notice list has lost qualification of appeal to the judge has expired, ceased to possess the qualification in respect of which his name was so entered, on complaint being duly made under section 16, shall be deemed to be wrongfully entered on the list and, subject to section 18. his name shall be removed therefrom. 1950, c. 414, s. 14.

Proviso.

(4) For the purpose of determining whether a person has acquired or has ceased to possess the qualification entitling him to vote at a municipal election for the purposes of this section, the assessment roll upon which the current voters' list is based shall be deemed not to have been returned. New.

Powers of judge.

15. The judge may, without a previous notice of appeal or complaint, on an application made by or on behalf of a person entered on the first or second part of the list, correct any mistake which appears to have been made in compiling the list in respect of the name, place of abode, qualification, or the local or other description of the property of a person entered on the list and with respect to whose right to be so entered an appeal or complaint is pending before the judge. R.S.O. 1950, c. 414, s. 15.

Proceedings complaint.

16.—(1) A voter making a complaint in respect of the list shall, within fourteen days after the clerk has posted up the list in his office, give to the clerk or leave for him at his residence or place of business notice in writing (Form 6) of his complaint.

Vacancy in office of clerk.

(2) If the office of clerk is vacant, the notice may be given in like manner to the deputy clerk or to the head of the council of the municipality, and he shall perform all the duties of the clerk.

Procedure.

(3) The proceedings thereafter by the judge, clerk and the parties respectively, and the powers and duties of the judge, clerk and other persons and the allowances and expenses payable to the judge shall be the same, as nearly as may be, as in the case of an appeal from the court of revision under The Assessment Act, but no deposits shall be required.

Rev. Stat., c. 24.

[Note.—See Forms 6-11.]

Distribution appeals.

(4) The clerk shall forthwith after posting up the list of appeals in his office deliver or mail by registered post one copy of the list to the judge, the clerk of the peace and each of the persons described in clauses b, i and j of section 9. R.S.O. 1950, c. 414, s. 16, amended.

- 17.—(1) Any person may obtain from the county or Compelling district court of the county or district a subpoena (Form 12) of witnesses. or from the judge an order, requiring the attendance of a witness residing or served with the subpoena or order in any part of Ontario and requiring the witness to produce any papers or documents mentioned in the subpoena or order, and every witness served with the subpoena or order shall obey the same if his expenses according to the scale allowed in division courts are paid or tendered to him at the time of service.
- (2) Any person in respect of the entry or omission of whose Compelling name a complaint is made shall, if resident within the munici- of persons pality for or in which the court is held, upon being served with whose right a subpoena or order obey the same without being tendered or question. paid his expenses, and the subpoena or order shall be deemed to have been sufficiently served,
 - (a) if the subpoena or order is served upon him personally; or
 - (b) where he has a known residence or place of business within the municipality, if a copy of the subpoena or order is left for him with some adult person at his residence or place of business; or
 - (c) where he has a known residence or place of business within the municipality, if a copy of the subpoena or order, at least six days before the sitting of the court, is mailed to him by registered letter directed to him at the post office address contained in any affirmation made by him under The Assessment Act, Rev. Stat., and where no such affirmation has been made, directed to him at his last known post office address, and also by separate registered letter directed to the post office described as his post office in the voters' list unless the last-mentioned post office is his last known post office address, or in the case of cities, towns and villages if no post office is described for him in the voters' list, directed to the post office of such city, town or village: or
 - (d) where he is a farmer's son, if a copy of the order or subpoena is left for him with some person at the residence of the farmer whose son he is.

Penalty for non-attendance.

(3) If a person whose right to be a voter is the subject of inquiry does not attend in obedience to the subpoena or order, the judge, in the absence of satisfactory excuse being shown for the non-attendance or of proof of right of the person to be a voter, may, on the ground of his non-attendance, strike his name off or refuse to enter his name on the list.

Prima facie evidence of certain facts. (4) The fact that the name of the person is entered on the last revised voters' list of the electoral district shall be *prima facie* evidence that he is a British subject and twentyone years of age.

Number of names.

(5) The names of any number of witnesses may be inserted in one subpoena or order. R.S.O. 1950, c. 414, s. 17, amended.

When qualification incorrectly stated.

18. If on complaint or appeal to strike off the name of a person on the list it appears that the qualification of the person is incorrectly set forth therein but that he has the qualification necessary to entitle his name to be entered on the list, the judge shall not strike off the name of the person but shall make such alterations in the list as are necessary to set forth the proper qualifications of the person, and in so doing may, if the name has not been entered on the proper part of the list, enter it thereon. R.S.O. 1950, c. 414, s. 18.

Time within which list to be revised.

19. The judge shall so arrange and proceed and fix the sittings of the court that all the complaints shall be heard and determined and the first and second parts of the list finally revised, corrected and certified within one month from the last day for making complaints. R.S.O. 1950, c. 414, s. 19.

Certifying list by clerk of the peace when no complaint made.

- 20.—(1) If no complaint is made within fourteen days after the clerk has posted up the list in his office, he shall forthwith deliver or mail to the clerk of the peace his report (Form 13), and the clerk of the peace shall thereupon certify (Form 14) a sufficient number of copies of the first and second parts of the list as being the last revised list of persons entitled to be voters at elections to the Assembly as well as at municipal elections, and of persons entitled to vote at municipal elections only in the municipality, to furnish one copy of the list.
 - (a) to the judge;
 - (b) to the clerk of the peace;
 - (c) to the clerk of the municipality;
 - (d) to every candidate for whom votes were given at the then last election of a member for the House of

Commons and the Assembly, respectively, for the electoral district in which the municipality or any part thereof lies; who has so requested in writing before the 1st day of July in the year. R.S.O. 1950, c. 414, s. 20 (1), amended.

- (2) The clerk of the peace shall retain one certified copy Certificate and shall deliver or mail one certified copy to each of the the peace. persons described in clauses a, c and d of subsection 1. R.S.O. 1950, c. 414, s. 20 (2), amended.
- **21.**—(1) If any complaint is made and allowed by the Statement judge, he shall, immediately after the list has been finally made by revised, certify (Form 15) to the clerk a statement of the judge. changes made by him in the list. R.S.O. 1950, c. 414, s. 21 (1).
- (2) The clerk shall thereupon prepare a sufficient number Delivery of of copies of the statement of changes made by the judge to furnish one copy for each of the persons described in clauses a, c and d of subsection 1 of section 20, and shall, within one week after the revision has been made by the judge, deliver or mail such copies of the statement of changes, together with the certificate of the judge, to the clerk of the peace, and such statement shall be made out according to polling subdivisions and shall show the changes made in the list for each polling subdivision. R.S.O. 1950, c. 414, s. 21 (2), amended.
- (3) The clerk of the peace shall thereupon sign and certify Certificate (Form 16) such copies together with a copy of the voters' list the peace received by him from the clerk and deliver or send by registered post one copy to each of the persons described in clauses $a,\ c$ and d of subsection 1 of section 20. R.S.O. 1950, c. 414, s. 21 (3), amended.
- (4) Instead of proceeding as provided in subsections 1, 2 Delivery and 3, the judge may direct the clerk to prepare a sufficient fleation of number of copies of the list as revised by the judge to furnish revised list. one copy for each of the persons described in clauses b, c and d of subsection 1 of section 20, and the clerk shall within one week after the revision has been made transmit or deliver such copies to the judge, and the judge shall thereupon sign and certify (Form 17) such copies and shall retain one and shall deliver or mail one copy to each of the persons described in clauses b, c and d of subsection 1 of section 20. R.S.O. 1950, c. 414, s. 21 (4), amended.
- 22. The clerk of the peace shall be entitled to remuneration Remuneration to the rate of \$1 per copy for the services performed by him of the under subsection 2 of section 20 and subsection 3 of section 21, peaces such remuneration to be paid by the municipality. R.S.O. 1950, c. 414, s. 22.

Striking off names of persons dying after revision.

23.—(1) After the list has been certified and before the nomination day at a municipal election, the judge may, upon the application of a voter, strike from the list the name of a person who has died since the list was certified, and for that purpose the certificate of the Registrar-General shall be sufficient evidence of death, but if the identity of the person proved to be dead with the person whose name is sought to be struck off is disputed or open to reasonable doubt, proof of the identity shall be required.

Procedure.

(2) The proceedings shall be the same as nearly as may be as those prescribed for the revision of the list, and the judge and the officers named in this Act shall have the same jurisdiction as in the case of proceedings to revise the list under this Act. R.S.O. 1950, c. 414, s. 23.

Correction of list after revisions of assessment roll.

24. If the assessment roll is not certified by the court of revision or revised by the judge before the time limited for the final revision, correction and certifying of the voters' list by the judge, and, upon appeal to the court of revision or to the judge, alterations are made in the assessment roll affecting the right of a person to be entered on the list, the court of revision shall forthwith after certifying the roll and the judge shall forthwith after revising the roll, make out and certify a list of such alterations and deliver it to the clerk who shall make corresponding changes in the certified copies of the revised list, and the judge shall initial the changes. R.S.O. 1950, c. 414, s. 24.

Effect of certified list.

- 25. The certified list shall be final and conclusive evidence that all persons named therein, and no others, were qualified to vote at any municipal election at which such list was, or was the proper list to be, used except,
 - (a) persons guilty of corrupt practices at or in respect of the election in question, or since the list was certified by the judge;
 - (b) persons who, subsequent to the list being certified, have ceased to be qualified to vote at a municipal election in the municipality to which the list relates and who by reason thereof are, under *The Municipal Act*, disentitled to vote;

Rev. Stat., c. 243.

> (c) persons whose names are entered on the list under the authority of a certificate issued pursuant to subsection 7 of section 58 of *The Municipal Act*. R.S.O. 1950, c. 414, s. 25.

Duty of municipality to provide room.

26.—(1) The municipality within which a court is to be held shall provide a suitable and convenient place, properly

furnished, heated and lighted, for the holding of the court, and in default thereof the judge may hold the court at such place in the county or district as he may deem proper, and if the court is held elsewhere than in the court house of the county or district, the occupant of the building in which it is held may recover from the municipality the sum of \$5 for each day on which the building was used for the purposes of the court

- (2) Every court held in the county or district town shall Courts in be held in the court house, or in such other place as the judge towns. deems proper. R.S.O. 1950, c. 414, s. 26.
- 27. In all proceedings before the judge he shall have all Powers of the powers which belong to or might be exercised by him in the county court. R.S.O. 1950, c. 414, s. 27.
- 28. The clerk of every municipality shall be subject to Clerk. the summary jurisdiction and control of the judge in the performance of his duty under this Act in the same manner as an officer of the county court is to the court. R.S.O. 1950, c. 414, s. 28.
- 29.—(1) The clerk shall be entitled to all reasonable Remuneration of disbursements necessarily incurred by him in the discharge clerk in connection of the duties imposed upon him under this Act and shall also with combe entitled to the following compensation:

1.	For the name of every person entered in the	
	list of complaints\$.05
2.	For every name entered in any necessary copy	
	of the list of complaints	.05
3.	For every name entered or other correction	
	made by the judge in the voters' list, and in	
	every copy of the list revised	.05
4.	For every name in the statement of changes	
	made by the judge in the list	.05
5.	For every necessary notice to any party com-	
	plaining or complained against	.15
6.	For every mile necessarily and actually travelled	
	by him in effecting service of a notice of appeal	
	or complaint and in attendance at the hearing of	
	complaints or appeals	.08
7.	For every day's attendance at the sittings of the	

(2) The assessor shall be entitled to all reasonable dis-Remunerabursements necessarily incurred by him in the discharge of assessor. the duties imposed upon him under this Act and to an allowance of \$5 per diem for every day's attendance at the court and to 8 cents for every mile necessarily and actually travelled

by him to attend at the hearing of complaints or appeals. R.S.O. 1950, c. 414, s. 29 (1, 2).

Appointment of constable.

30.—(1) The judge shall have power to appoint a proper person to attend as constable at the sitting of the court, and the duties and powers of such person shall be as nearly as may be the same as those of a bailiff at a sitting of a division court.

Constable's fees.

- (2) The constable shall be entitled to the following compensation:
 - 1. For every day's attendance.....\$4.00
 - 2. For every service of any process or notice, including the receipt and return thereof, and all other duties connected therewith when allowed by the judge, a sum not exceeding 20 cents per mile one way for each mile necessarily and actually travelled to effect such service.

R.S.O. 1950, c. 414, s. 30.

Payment of fees.

31. The compensation to which the clerk, assessor and constable are respectively entitled shall be certified by the judge and paid to the clerk, assessor and constable respectively by the treasurer of the municipality upon the production and deposit with him of the judge's certificate. R.S.O. 1950, c. 414, s. 31.

Report by judges as to frauds, etc.

32. If the judge who holds the court is of the opinion that any person has contravened section 46 or 48, or that frauds in respect of the assessment or the list have prevailed extensively in the municipality, he shall report the same to the Attorney-General with particulars as to names and facts. R.S.O. 1950, c. 414, s. 32.

Amendments.

33. The judge may amend any notice or other proceeding upon such terms as he may think proper. R.S.O. 1950, c. 414, s. 33.

Substitution of new appellant.

34. If an appellant or complainant dies or abandons his appeal or complaint or is found not to be entitled to be an appellant, the judge may in his discretion allow any other person who might have been an appellant or complainant to intervene and prosecute the appeal or complaint upon such terms as the judge may think proper. R.S.O. 1950, c. 414, s. 34.

Costs occasioned by errors.

35.—(1) If errors are found in the voters' list on the revision thereof in the omission of names, the inaccurate entry of names or the entry of names of persons not entitled to vote and it appears to the judge that the assessor or clerk was

blamable for any of the errors, the judge may order (Form 18) the assessor or clerk to pay all costs occasioned by such errors.

- (2) In case of errors for which the court of revision is Order for blamable, the judge may order the municipality to pay the municipality. costs occasioned by such errors.
- (3) In all cases not provided for, the costs shall be in the Discretion discretion of the judge. R.S.O. 1950, c. 414, s. 35.
- **36.** The costs to be allowed on any proceeding under this ^{Scale of} Act shall be according to the lowest scale of costs in an action in a division court. R.S.O. 1950, c. 414, s. 36.
- **37.** An unsuccessful appellant or complainant shall be Liability of liable to pay the witness fees only, unless in the opinion of the for costs. judge the complaint or appeal is frivolous or vexatious or has not been made in good faith, in which case the judge may order the appellant or complainant to pay in addition any other costs allowed by section 36. R.S.O. 1950, c. 414, s. 37.
- **38.** Payment of costs may be enforced by an execution Enforcing (Form 19) against goods and chattels, to be issued from the costs. division court of the division within which the municipality or part thereof is situate upon filing therein the order of the judge and an affidavit showing the amount at which the costs have been allowed and the non-payment thereof. R.S.O. 1950, c. 414, s. 38.

REFERENCE TO COURT OF APPEAL

- **39.**—(1) In order to facilitate uniformity of decision with-Stating out the delay and expense of appeals,
 - (a) a judge may state a case on any question arising or likely to arise and may transmit it to the Lieutenant-Goyernor in Council who may immediately refer it to the Court of Appeal for the opinion of the court; or
 - (b) the Lieutenant-Governor in Council may state a case on any such question to the Court of Appeal for the opinion of the court.
- (2) Immediately upon receipt of the case, the court shall Time and appoint a time and place for hearing argument, of which argument written notice shall be given by the Registrar of the Supreme Court posting up a copy of the notice in his office in Osgoode Hall, Toronto, at least ten clear days before the time appointed.

Hearing.

(3) At the time appointed the court shall hear the argument by such of the counsel present as the court may think proper to hear, and shall certify to the Lieutenant-Governor in Council the opinion of the court thereon, and the opinion shall be published forthwith in *The Ontario Gazette*, and a copy of the opinion shall forthwith be sent to the judge of every county and district court. R.S.O. 1950, c. 414, s. 39.

Opinion at instance of voter.

40. The Court of Appeal may also give an opinion on any question at the instance of a voter if the court sees fit, and the proceedings with respect thereto shall be, as nearly as may be, the same as upon a case referred; but the court or a judge thereof may require a deposit of money to cover the costs of hearing the question argued by counsel and may require notice of the proceedings, or any of them, to be given to such person as the court or judge may direct. R.S.O. 1950, c. 414, s. 40.

LIABILITY FOR TAXES OF PERSONS WHOSE NAMES ARE ADDED

Liability of persons added to roll on revision.

Rev. Stat., c. 24. **41.** If a person who is found entitled to be a voter at municipal elections is not assessed or is insufficiently assessed, the judge shall enter the name of such person on the roll together with the other particulars required by *The Assessment Act* to be set opposite the name of the person assessed including the value of the property in respect of which the assessment is made, which shall be determined by the judge, and corresponding corrections shall be made by the clerk in the collector's roll. R.S.O. 1950, c. 414, s. 41.

FAILURE OF CLERK TO PERFORM HIS DUTIES

Lists not vitiated.

42. The non-performance by the clerk of any of his duties under this Act within the times appointed shall not affect the validity of any list. R.S.O. 1950, c. 414, s. 42.

Summary application to enforce performance of duties.

43.—(1) If the clerk fails to perform any of his duties, the clerk of the peace shall forthwith apply summarily (Form 20) to the judge to enforce the performance thereof.

Application by voter.

(2) The application may also be made by any voter.

Proceedings by judge.

(3) The judge shall require (Form 21) the clerk and any other person he sees fit to appear before him and produce the assessment roll and any documents relating thereto or to the list, and to submit to examination on oath, and may thereupon make such order and give such directions as he deems proper.

- (4) The clerk shall pay the costs of the proceedings unless Liability on special grounds the judge otherwise orders, in which case for costs. the judge may direct how and by whom the costs are to be paid.
- (5) The proceedings and order of the judge shall not relieve Clerk's the clerk from the penalty mentioned in section 44. R.S.O. penalty. 1950, c. 414, s. 43.

OFFENCES

- **44.** Every clerk who omits, neglects or refuses to perform Penalty for any of the duties hereinbefore required of him shall be guilty duties by of an offence and for every such omission, neglect or refusal shall be liable to a penalty of \$200. R.S.O. 1950, c. 414, s. 44.
- **45.** The wilful alteration of, omission from, incorrect Penalty for entry in, or falsification of a certified list or copy thereof shall falsifying be an offence, and every clerk of a municipality, clerk of the peace or other person who commits such offence, or wilfully permits it to be committed, shall be liable to a penalty of not less than \$500 and not more than \$2,000 and in addition may be imprisoned for a term of not more than three months. R.S.O. 1950, c. 414, s. 45.
- **46.**—(1) No person shall be a party to any instrument or Colourable to any verbal arrangement whereby a colourable qualification property. is conferred or sought to be conferred upon himself or any other person in order to enable him to become a voter.
- (2) Every person who contravenes the provisions of this Penalty section, in addition to any other penalty prescribed in that behalf, shall be liable to a penalty of \$100.
- (3) Every person who induces or attempts to induce Procuring another to commit an offence under this section shall be liable of offence. to a like penalty. R.S.O. 1950, c. 414, s. 46.
- 47. To prevent the creation of false votes, where a person Inquiries by claims to be assessed or to be entered or named in an assessment roll or claims that another person should be assessed, entered or named in an assessment roll so as to entitle him to be a voter, and the assessor has reason to suspect that the person claiming, or for or in respect of whom the claim is made, ought not to be so assessed, or so entered or named in the roll, the assessor shall make reasonable inquiries before assessing, entering or naming any such person in the assessment roll. R.S.O. 1950, c. 414, s. 47.
- 48. Every person who wilfully and improperly enters or Improper procures or causes to be entered the name of a person in an name in roll

assessment roll, or assesses or procures or causes the assessment of a person at too high an amount, with intent to give to a person not entitled thereto either the right or an apparent right to be a voter, or who wilfully enters or procures or causes to be entered a fictitious name in an assessment roll, or who wilfully and improperly omits or procures or causes to be omitted the name of a person from the assessment roll, or assesses or procures or causes the assessment of a person at too low an amount, with intent to deprive a person of his right to be a voter, shall be guilty of an offence and liable to a penalty of \$200. R.S.O. 1950, c. 414, s. 48.

Recovery of penalties.

Rev. Stat., c. 379.

49. Any penalty mentioned in sections 44 to 48 shall be recoverable under *The Summary Convictions Act.* R.S.O. 1950, c. 414, s. 49, amended.

INSPECTION AND COPIES OF DOCUMENTS

Right to inspect and copy assessment rolls, etc.

Rev. Stat., cc. 243, 24. **50.** A voter and an agent of a voter may, at all reasonable times and under reasonable restrictions, inspect and take copies of or extracts from assessment rolls, notices, complaints, applications and other documents and proceedings necessary or of use for carrying out the provisions of *The Municipal Act*, *The Assessment Act* or this Act, and the clerk for such purposes shall accord all reasonable facilities consistent with the safety of the documents and the rights and interests of all persons concerned, and shall in regard to such matters be subject to the direction of the judge. R.S.O. 1950, c. 414, s. 50.

Fees for copies of list.

51. The fees payable to the clerk of the peace and to the clerk of the municipality for furnishing copies of a list or any part of a list shall be those fixed by the Lieutenant-Governor in Council. R.S.O. 1950, c. 414, s. 51.

PART II

PREPARATION OF WARD LISTS

Preparation of list where roll returned and revised by wards.

52. Immediately after the return by the assessor of the assessment roll for any ward or division of a ward, and without waiting for the revision and correction of the roll by the court of revision or by the judge, the clerk of every city to which this Part applies shall prepare and cause to be reproduced the first and second parts of the voters' list in the manner prescribed by Part I. R.S.O. 1950, c. 414, s. 52, amended.

- Chap. 93
- 53.—(1) Forthwith after the preparation and reproduction Posting up of the last of such lists, the clerk shall post up and distribute buting lists. each of the lists for each ward or division in the manner prescribed by Part I, and forthwith after the clerk has posted up the lists in his office, he shall cause a notice to be inserted once a week for three weeks in such daily newspapers published in the city as may be directed by the judge, calling upon persons who are aware of errors or omissions in the lists, or of changes which have been rendered necessary by reason of the death or removal of any person named therein, or by reason of any person having acquired the necessary qualifications as a voter since the return of the assessment roll for any such ward or division of a ward to give notice of the same. and shall name a time and place at which the judge will hold a court for revising the lists for the whole city. R.S.O. 1950. c. 414, s. 53 (1), amended.
- (2) The time for making complaints as to errors or omis-Time for making sions in the lists shall be within fourteen days after the first complaints. publication of the notice. R.S.O. 1950, c. 414, s. 53 (2).
- **54.** The judge shall so arrange and proceed and so fix Time for final rethe sittings of the court for hearing complaints against or in vision of respect of the lists that the complaints will be heard and determined and the lists finally revised and certified in the manner provided by Part I before the day fixed for the nomination meeting. R.S.O. 1950, c. 414, s. 54.

55. If no complaint respecting any of the lists is received Certifying by the clerk within fourteen days after the first publication no complaint made. of the notice, the clerk shall apply forthwith to the judge to certify three copies of each of the lists as being the last revised list of voters for the ward or division and the judge shall certify such three copies and retain one and deliver or mail by registered post one to the clerk of the peace, and one to the clerk of the municipality, to be kept by him among the records of his office. R.S.O. 1950, c. 414, s. 55.

- 56. If any complaint is made as aforesaid with respect Procedure to any of the lists within such period, the judge shall proceed complaint as provided by section 21, and sections 23 to 25 shall apply made to the list prepared under this Part. R.S.O. 1950, c. 414, s. 56 (1), amended.
- 57. Subject to subsection 7 of section 58 of The Municipal Effect of Act, the lists as so revised, corrected and certified by the judge completed. shall together form from time to time the last revised voters' list for the city within the meaning of this Act and The Rev. Stat., Municipal Act, and the date fixed by section 53 as the last c. 243. day for making complaints to the judge shall be deemed to be the last day for making complaints to the judge within the

meaning of any oath prescribed by that Act and such date shall be inserted in any such oath when the voting is upon a list prepared under this Part. R.S.O. 1950, c. 414, s. 57.

PART III

Preparation and Revision of Provincial Lists in Urban Polling Subdivisions

ENUMERATION

Enumera-

58. Every returning officer, forthwith after receipt of a writ of election, shall appoint in writing (Form 22) for each urban polling subdivision in the electoral district two persons to be enumerators of the voters in such subdivision and to prepare a list thereof, and shall require each of such persons to take the oath (Form 23). R.S.O. 1950, c. 414, s. 74, amended.

Enumerators to act jointly.

59. Each enumerator shall exercise the utmost care in the preparation of the voters' list and the two enumerators appointed for each urban polling subdivision shall, with relation to each process in the preparation of the voters' list, act jointly and not individually, and in case of any disagreement they shall report the matter to the returning officer and shall in all respects be bound by his decision. *New*.

Selection of enumerators.

60. The returning officer shall, as far as possible, select and appoint the two enumerators for each urban polling subdivision so that they represent two different and opposed political interests, as provided in section 61. *New*.

Notice of intention to appoint enumerators.

- **61.**—(1) At least two days before he proposes to appoint the persons who are to act as enumerators, the returning officer shall give notice thereof,
 - (a) to the person who will apparently be the candidate at the election of the political interest represented by the government of the day; and
 - (b) to the person who will apparently be the candidate at the election of a different and opposed political interest the candidate for which, at the next preceding provincial election, received the highest number of votes or the next highest number of votes, as the case may be,

and if at the time of giving such notice it is, in the opinion of the returning officer, not yet apparent who either of such persons will be, the returning officer shall give such notice to the person who was the candidate of such political interest at the next preceding election.

- (2) The persons receiving notice under subsection 1 may Nominaeach, within two days of receiving such notice, nominate a fit and proper person for appointment as enumerator in each urban polling subdivision in the electoral district and the returning officer shall appoint every such person as an enumerator in the urban polling subdivision for which he has been nominated unless he is of opinion that there is good cause for refusing to appoint any such person.
- (3) Where the returning officer is of opinion that there is Refusal to good cause for refusing to appoint any person so nominated, he shall notify the person making the nomination and such person may within twelve hours nominate a substitute, but the returning officer may refuse to appoint such substitute where he is of opinion that there is good cause for so doing.
- (4) The returning officer shall himself select and appoint Where returning officer may be necessary where, officer may select.
 - (a) at the time of giving notice under subsection 1 there is in the opinion of the returning officer no person who will apparently be the candidate at the election of the political interest represented by the government of the day and there was no candidate of such political interest at the next preceding election;
 - (b) at the next preceding election there was opposed to the candidate of the political interest representing the government of the day no candidate representing a different and opposed political interest; or
 - (c) any of the persons entitled to make nominations fails to nominate a suitable person for appointment for any urban polling subdivision. *New*.
- **62.**—(1) The returning officer shall supply each pair of Enumerators with,
 - (a) a copy of the first part of the last revised voters' list prepared pursuant to Part I;
 - (b) a book of enumerators' record forms (Form 24);
 - (c) a supply of notices of inability to obtain information for the purposes of registration; and
 - (d) a supply of voters' list forms (Form 25). New.

Preparation of list.

- (2) The enumerators shall forthwith upon their appointment, by means of,
 - (a) a joint house-to-house canvass;
 - (b) a reference to the first part of the voters' list prepared pursuant to Part I; and
 - (c) such other sources as may be available to them,

prepare a list, under headings of names of streets where possible and in the order of street numbers in subdivisions in which street numbering is in effect, and in alphabetical order in all other subdivisions, of all persons in the urban polling subdivision who are qualified to vote at the election. R.S.O. 1950, c. 414, s. 75, amended.

Enumerators' record form.

(3) The name, address and occupation of every person entitled to be entered on the list shall at the time of visiting the dwelling place of such person be entered on an enumerators' record form which shall be signed by both enumerators, and a duplicate thereof shall be detached from the book and left at such dwelling place.

House-tohouse canvass.

- (4) In making the house-to-house canvass the enumerators shall visit every dwelling place in the urban polling subdivision and, unless they have ascertained from an occupant of each such dwelling place that no person residing therein remains unregistered, they shall visit such place,
 - (a) at least once between 9 a.m. and 6 p.m.; and
 - (b) at least once between 7 p.m. and 10 p.m.,

and where, upon making the last of such visits, the enumerators are unable to secure all the information necessary to register all persons residing therein who may be qualified to vote at the election, they shall leave at such dwelling place a notice of inability to obtain information for purposes of registration (Form 26). *New*.

Certification and disposition of list by enumerators. 63.—(1) The enumerators, immediately after the completion of the list and not later than four days from the date of their appointment, shall certify the urban polling subdivision list (Form 25) on oath and deliver it to the returning officer together with the book of enumerators' record forms used in the preparation of the list, and shall prepare at least six copies of such list so certified and shall forthwith post up one copy in the office of the returning officer, one copy in a conspicuous place in the urban polling subdivision for which the list was prepared, and one copy in the office of the

Chap. 93

clerk of the municipality, for public inspection, and the returning officer shall distribute one copy to each candidate. R.S.O. 1950, c. 414, s. 76, amended.

- (2) The returning officer, forthwith upon receipt of the list Printing of from the urban enumerators, shall cause it to be printed and list. such printing shall be completed not later than the eighth day before the sittings of the revising officer.
- (3) The returning officer shall furnish twelve printed copies Distribution of the list for each urban polling subdivision to each candidate. dates. New.

REGISTRATION AND REVISING DISTRICTS

64. Every returning officer, as soon as conveniently may Registration be after the issue of a writ directed to him for the holding of districts. an election, shall group together the urban polling subdivisions in the electoral district into as many combined registration and revising districts as circumstances require, subject to the approval of the board, and shall prepare descriptions of the boundaries of such districts. R.S.O. 1950, c. 414, s. 73, amended.

APPOINTMENT OF REVISING OFFICER

- **65.**—(1) The board shall appoint, from among its number, Revising revising officers to hold sittings in the electoral district in appoint which an election is to be held for the registration of voters ment of. and the revision of the lists for the urban polling subdivisions. R.S.O. 1950, c. 414, s. 81 (1), amended.
- (2) Wherever practicable, the revising officer so appointed Idem. shall be the judge or one of the judges of the county or district court or the acting judge of the said court; but where the county forms part of a district formed under *The County* Rev. Stat., *Judges Act*, a judge of any county included therein may be c. 76. appointed revising officer. R.S.O. 1950, c. 414, s. 81 (2), amended.
- **66.** Where, owing to the number of sittings to be held or Where from any other cause, the board finds it impracticable for a available. judge to act as revising officer, the board may appoint one of its own number, being a barrister of at least five years standing, a magistrate, or some other fit and proper person having the like qualification, to act as revising officer. R.S.O. 1950, c. 414, s. 82.
- **67.** The board shall appoint one or more clerks to any Appoint of revising officer as may be necessary, and such appointments clerks to revising officer.

shall be made as soon as conveniently may be after the issue of the writ for the election, and notice of such appointment and of the location of his office shall be published in all newspapers having a general circulation in the electoral district. R.S.O. 1950, c. 414, s. 85.

Oath by revising the judge.

68. Every revising officer shall, unless he is a judge, be officer except sworn to the faithful and impartial performance of his duties. R.S.O. 1950, c. 414, s. 86.

Additional revising officers may be appointed.

69. If at any time the number of applications for registration and revision of the list at any registration and revising office is such that the revising officers cannot promptly dispose of them, the board may appoint additional revising officers or may provide clerical assistance for the revising officers acting thereat. R.S.O. 1950, c. 414, s. 87.

Board may replace revising

70. The board may at any time relieve any revising officer of his duties and appoint another to perform them, and any revising officer so relieved shall forthwith upon receiving written notice from the board of the appointment of a substitute for him deliver to the board or to such other person as the board may appoint all lists, notices and other papers in his possession as revising officer. R.S.O. 1950, c. 414. s. 99.

SITTINGS OF REVISING OFFICER

Time and

71. As soon as conveniently may be after the issue of a place for writ for the holding of an election to fill a vacancy in the registration. Assembly, or after the dissolution or expiry of the Assembly, the Chief Election Officer shall fix the times and the board shall fix general locations at which sittings shall be held by the revising officers for the purpose of the registration of voters and revising the lists for urban polling subdivisions compiled and certified by the enumerators. R.S.O. 1950, c. 414, s. 79, amended.

Suitable sittings to be obtained.

72. The returning officer shall select convenient places within the general locations fixed by the board in which the revising officers will sit, which places shall be properly furnished, lighted and heated, and he shall report thereon to the board. R.S.O. 1950, c. 414, s. 83, amended.

List to be delivered to revising officers.

73. The returning officer shall furnish to the revising officers the original lists for each urban polling subdivision as prepared and certified by the enumerators. c. 414, s. 80, amended.

Notice of sittings to be given.

74. The board shall cause a notice of the sittings of the revising officers to be printed in such form as may be pre-

Chap. 93

scribed by the board, and such notice shall be posted at least five days before the sittings in adequate numbers and in conspicuous places throughout the areas affected, and where possible, published in all newspapers having a general circulation in the electoral district, and before 9 a.m. on the day of registration and revision an additional five copies shall be posted up outside of and near to the place of registration and revision. R.S.O. 1950, c. 414, s. 84.

APPLICATIONS FOR REGISTRATION AND COMPLAINTS

75.—(1) Any person resident in any urban polling sub-Who may division included in the registration district, whose name has be registered not been included or has been incorrectly included by the correction enumerator in the list of voters for such subdivision, may made. apply at the place of registration for the registration district to have his name included in the list or to cause the entry in the list relating to him to be corrected. R.S.O. 1950, c. 414, s. 89, amended.

(2) Every person so applying shall sign an application Application (Form 27) in which all the information required by the form to be entered on list to be shall be sufficiently filled in, either by the applicant personally signed. or by a revising officer at the applicant's request, and before entering the name of the person in the list of voters or before correcting the list, as the case may require, the revising officer shall satisfy himself that the applicant understands the effect of the statements in the application and that he is entitled to have his name included in the list or to have the list corrected pursuant to his request. R.S.O. 1950, c. 414, s. 90.

- (3) If any person who claims to be entitled to have his name Absence included in the list of voters or to have the entry relating to sickness, etc., him therein corrected is unable personally to attend the regis-relative or employer tration and revising sittings by reason of sickness, disability, may appear. or necessary, temporary, unavoidable and bona fide absence from the municipality in which the registration area is included, then a relative of such person by blood or marriage or his employer may, if he has a sufficient knowledge of the facts. appear before the revising officer and complete the application (Form 27) to have such person's name included in the list of voters or to have the list corrected, as the case may be. R.S.O. 1950, c. 414, s. 94.
- (4) If the relative by blood or marriage or the employer so Evidence to be produced by relative appearing substantiates,

(a) the cause for the non-appearance of the person immediately concerned to be as set out in subsection 3;

or employer.

Chap. 93

- (b) the existence of a relationship by blood or marriage or the relationship of employer and employee; and
- (c) the facts relevant to the qualification, name, address or identity of the person immediately concerned so far as such facts are requisite to cause the name of the person to be included in the list, or to cause the list to be corrected, as the case may be,

the revising officer may act upon the application as if the person immediately concerned had appeared in person before him. R.S.O. 1950, c. 414, s. 95.

Re-enumeration of applicants in certain cases. (5) At any time prior to the sitting of the revising officers in any registration and revising district any voter whose name is omitted from the list as prepared by the enumerators, or any person who has knowledge of the fact that the name or names of any other voter or voters have been so omitted, may so inform the returning officer in writing stating the names and addresses of the voters so omitted.

Idem.

(6) The returning officer shall, prior to the last day of the revision, cause an enumeration to be made of all voters of whom such notice has been given, and the enumerators shall visit the addresses and enumerate such voters and any other voters at those addresses whose names have been omitted from the list, and the returning officer shall transmit to the revising officer the names of such voters so enumerated and the revising officer shall, if there is no valid objection, add such names to the list.

Enumerators.

(7) The returning officer shall appoint enumerators for the purposes of subsection 6 from among those who have already acted as such for the pending election, or if necessary shall appoint others in the manner provided by section 61. *New*.

Procedure where complaint made for wrongful entry on list.

76.—(1) Within four days after the posting up of the urban polling subdivision lists by the enumerators as provided in section 63, any person whose name has been entered on any of the urban polling subdivision lists in the electoral district may file with the proper clerk of the revising officer appointed for the urban polling subdivision a complaint that there has been included in the list as compiled by the enumerators the name or names of persons who should not be entered therein, and such complaint shall be prepared according to Form 28 and shall set out the reason for complaining and shall be accompanied by an affidavit of the complainant (Form 29), and the same shall be filed with such clerk of the proper revising officer not later than the first day appointed for the sittings of the revising officer. R.S.O. 1950, c. 414, s. 77, amended.

Revising officer's clerk to notify voter of complaint.

(2) Upon such complaint and affidavit being received by the clerk of the revising officer, he shall forthwith, and not later than the first day of the sittings of the revising officer, transmit, by registered post addressed to the person objected to at the address mentioned in the list of voters as compiled by the enumerator, a notice (Form 30) requiring such person to appear in person or by representative before the revising officer on a day to be named in the notice to answer the complaint made. R.S.O. 1950, c. 414, s. 78.

- (3) In the case of any objection or complaint to the in-Procedure. clusion of a name in the list of voters of which notice has been given under subsection 2, the onus of establishing the validity of the objection shall rest upon the objecting person and shall be discharged either by proper evidence that the name of the person objected to should not be included in the list of voters, or by the production of a post office certificate of the registration of the package containing the notice of objection and by the production of the package itself having upon it a record by the post office indicating that it could not be delivered. R.S.O. 1950, c. 414, s. 102, amended.
- 77.—(1) Any person whose name appears in the list of voters Objections for any urban polling subdivision in the electoral district or on list to the registration district for which the revising officer has been names appearing appointed may on the first day of the sittings only make thereon. oath before the revising officer giving particulars.

- (a) of the list upon which his name appears;
- (b) stating that he is qualified to vote in the electoral or registration district; and
- (c) alleging the death, disqualification, or real residence and appearance on another list, of any person on the list for any of the urban polling subdivisions in the registration district for which the revising officer has been appointed.
- (2) The revising officer, upon such oath being made before Notice to him (Form 31), shall cause to be transmitted by registered objected to. post addressed to the person objected to at the address mentioned in the list of voters and also at such other address. if any, as may be mentioned in the oath aforesaid, a notice (Form 30) requiring such person to appear in person or by his representative before him or any revising officer who is on duty at such revising office, on a day to be named in the notice, to establish his qualification as a voter, and the revising officer shall transmit, with each copy of the notice, a copy of the oath of the voter making the objection. R.S.O. 1950, c. 414, s. 96, amended.
- (3) In the case of any objections made on oath before a Procedure revising officer under this section, of which notice has been dealing with objections to name on properly list.

properly given by a revising officer under subsection 2, the onus of establishing his right to have his name included in the list of voters shall be upon the person objected to, and if the person does not, during the sittings on the day for which notice of the hearing of the objection has been given, appear before the revising officer, personally or by representative, or, being present or represented, fails to satisfy the revising officer of his right to have his name retained on the list, the revising officer shall strike his name therefrom whether or not the voter by whom the objection was made has appeared before him. R.S.O. 1950, c. 414, s. 101, amended.

POWERS AND DUTIES OF REVISING OFFICERS

Jurisdiction of revising officer.

- 78. At the sittings for revision, the revising officer shall have jurisdiction to dispose and shall dispose,
 - (a) of applications made by persons to have their names included in the lists, or to have the lists corrected;
 - (b) of applications by relatives or employers;
 - (c) of complaints filed under section 76 with any clerk of any revising officer, notice of which has been given to the party objected to as provided in that section; and
 - (d) of objections on oath made before a revising officer under section 77 of which a revising officer has given notice as provided in that section. R.S.O. 1950, c. 414, s. 100, amended.

Powers of revising officer.

79. For the due performance of his duty, a revising officer appointed under this Part shall have and possess all the powers of a judge sitting for the hearing of complaints under Part I. R.S.O. 1950, c. 414, s. 81 (3).

Revising officer to enter name when satisfied applicant is qualified.

80. If it appears to the revising officer that the applicant understands the effect of the statements in the application (Form 27) and that the applicant's name should be included in the list or that the amendment thereof which he requests should be made, he shall certify accordingly by signing the application. R.S.O. 1950, c. 414, s. 92.

Procedure where application refused. **81.** If, in the opinion of the revising officer, the statements made by the applicant in his application do not show that the applicant is entitled to have his name included in the list or to have the list amended as requested, he shall advise the applicant that his application is refused, stating the reasons for such refusal, which reasons he shall endorse on the application form. R.S.O. 1950, c. 414, s. 93.

- **82.** The name of a person shall not be removed from the Name not enumerators' list by the revising officer unless he is satisfied off without on oath that due notice of complaint has been given to the person or that the person could not be found and the registered notice could not be delivered. R.S.O. 1950, c. 414, s. 103, amended.
- 83. The revising officer shall not remove any name from Evidence the enumerators' list or make any other changes therein required. except upon evidence under oath. R.S.O. 1950, c. 414, s. 104.
- 84. During the sittings, each revising officer shall enter Additions and coring the proper urban polling subdivision list in his registration rections to district the names, addresses and occupations of such voters on the as are added by him to the list and such other corrections as proper list. are made, and shall certify each amendment of the list so made by appending thereto his initials and a note of the date of the amendment. R.S.O. 1950, c. 414, s. 97, amended.
- **85.**—(1) Forthwith after the conclusion of the sittings, Transmisthe revising officer shall certify the list of each urban polling sion of lists subdivision as finally revised by him, and shall as soon as officer. possible transmit the list together with a certified statement of changes and additions to the returning officer. R.S.O. 1950, c. 414, s. 105 (1), amended.
- (2) The lists as so revised and certified together with the Lists so statements of changes and additions shall be the proper revised to be lists to be used in preparing the urban polling lists for the election. R.S.O. 1950, c. 414, s. 105 (2), amended.
- 86. The revising officers shall permit to be present in the Represenplace of registration and revision not more than two repre-tatives of sentatives of each recognized and opposed political interest political interests in the electoral district, but no such representative shall, may be except with the permission of the revising officer, have any right to take part or intervene in the proceedings. R.S.O. 1950, c. 414, s. 88.
- 87. When the language of the applicant is not understood Interpreter by the revising officer, an interpreter may be sworn and may engaged. act; but in the event of inability to secure an interpreter, the application shall, for the time being, be refused. R.S.O. 1950, c. 414, s. 91.
- 88. Every revising officer, while sitting as such, shall have Revising and may exercise the powers of a justice of the peace, and he officer a conservator may appoint, if necessary, constables for the maintenance of of the peace. order and for the arrest and detention of persons who are Power to appoint guilty of the personation of others, or of attempting to per-constables sonate others, or who impede or improperly interrupt his cases. proceedings or create a disturbance. R.S.O. 1950, c. 414, s. 98, amended.

COPIES

Printed copies of statements of changes.

89.—(1) The returning officer, forthwith upon receipt of the statements of changes and additions from the revising officers, shall cause them to be printed and such printing shall be completed not later than the eighth day before polling day.

Certification of true copies of statement. (2) Every printed copy of the statement shall have printed thereon a certificate of the returning officer that such copy is a true copy of the statement as prepared by the revising officer. R.S.O. 1950, c. 414, s. 107, amended.

Printed copies to be furnished candidates.

90. The returning officer shall furnish twelve printed copies of the statement of changes and additions for each urban polling subdivision to each candidate. R.S.O. 1950, c. 414, s. 108, amended.

Printed lists with statement to be official list.

91. The printed list together with the statement of changes and additions for the urban polling subdivision as so certified by the returning officer shall be the official list for the urban polling subdivision to which it relates, but if any material difference between its contents and the contents of the list as finally revised by the revising officer is discovered after the completion of the printing, the returning officer shall furnish a certificate of the error to the deputy returning officer and to each candidate, and the printed list and statement shall for all purposes be taken to have been amended in accordance with the certificate. R.S.O. 1950, c. 414, s. 109, amended.

Preparation and Revision of Provincial Lists in Rural Polling Subdivisions

ENUMERATION

Appointment of enumerator.

92. Every returning officer, forthwith after receipt of a writ of election, shall appoint in writing (Form 32) for each rural polling subdivision in the electoral district one person to be the enumerator of the voters in such subdivision and to prepare a list thereof, and shall require each such person to take the oath (Form 33). New.

Notice of revision and registration.

93. Every enumerator shall forthwith on his appointment post up in public places in the rural polling subdivision at least three copies of a notice (Form 34) that he is about to prepare a list of qualified voters in the polling subdivision, which list will be revised and corrected by him on a stated date at a stated place where he will be found between 10 a.m. and 10 p.m. *New*.

Preliminary list.

94.—(1) The enumerator of each rural polling subdivision shall, immediately after posting up the notice as required by section 93, proceed to prepare a preliminary list (Form 25) under headings of names of streets where possible and in

order of street numbers in subdivisions where street numbering is in effect, and in alphabetical order in all other subdivisions, of all persons in the polling subdivision who are qualified to vote at the election.

VOTERS' LISTS

- (2) Such list shall be prepared from such information as Idem. the enumerator may be able to secure by means of,
 - (a) a house-to-house canvass;
 - (b) reference to the first part of the voters' list prepared pursuant to Part I, if any; and
 - (c) such other sources as may be available to him. New.
- **95.**—(1) Every enumerator shall exercise the utmost care Enumerain the preparation of the list of electors for the rural polling tor to exsubdivision for which he has been appointed.
- (2) He shall take all necessary precautions to ensure that Idem., his list, when complete, contains the name, address and occupation of every person who is qualified as a voter in the polling subdivision and that it does not contain the name of any person who is not so qualified. *New*.
- 96.—(1) The enumerator of each rural polling subdivision, Certification immediately after the completion of the preliminary list and up of preliminary later than four days from the date of his appointment, shall certify such preliminary list on oath and deliver it to the returning officer, and shall prepare at least six copies thereof so certified and shall forthwith post up one copy in the office of the returning officer, and one copy at the place within the polling subdivision at which he may be found pursuant to section 93, for public inspection, and the returning officer shall distribute one copy to each candidate.
- (2) The returning officer, forthwith upon receipt of the list Printing and distribution from the enumerator shall cause it to be printed and shall of prefurnish twelve printed copies of the list for each rural polling list. Subdivision to each candidate. New.

REVISION

- 97. The returning officer shall furnish every rural enumer-Returning officer to ator with two printed copies of the preliminary list of voters furnish for the rural polling subdivision for which he has been ap-copies for pointed. New.
- **98.** The enumerator shall attend at the time and place Revision of mentioned in the notice posted up pursuant to section 93 preliminary for the purpose of the registration of voters and the revision of the list. *New*.

Representatives of recognized political be present.

99. The enumerator shall permit to be present in the place of revision not more than two representatives of each recoginterests may nized and opposed political interest in the electoral district, but no such representative shall, except with the permission of the enumerator, have any right to take part or intervene in the proceedings. R.S.O. 1950, c. 414, s. 88, amended.

Enumerator to make proper changes.

- **100.** At any time after the enumerator has posted up his preliminary list, and particularly between 10 a.m. and 10 p.m. on the date and at the place stated for the revision of the list in the notice posted by him pursuant to section 93, on being fully satisfied from representations made to him by any credible person that the preliminary list as prepared by him requires amendment as hereinafter mentioned, the enumerator shall.
 - (a) add to such list the name of any person who is qualified as a voter in the rural polling subdivision at the election then pending, but whose name has been omitted from the preliminary list; or
 - (b) strike out from such list the name of any person who is not qualified as a voter in such polling subdivision: or
 - (c) correct any inaccurate statement as to the name, address or occupation of any person whose name properly appears in such list.

Corrections in ink and initialled.

101. Any change or correction made by the enumerator in the preliminary list of electors shall be made with ink and shall be initialled and dated by him in the margin of the list opposite the change or correction. New.

Certification of revised list.

102.—(1) Forthwith after the conclusion of the revision, the enumerator shall certify the list of the rural polling subdivision for which he has been appointed, as finally revised by him, and shall as soon as possible transmit the list to the returning officer.

Polling lists.

(2) The list as so revised and certified shall be the proper list to be used in preparing the polling lists for the election. R.S.O. 1950, c. 414, s. 105, amended.

COPIES OF LISTS

Certification of polling lists.

103. Every polling list shall have endorsed thereon a certificate of the returning officer that such list is a true copy of the list as finally revised by the enumerator. R.S.O. 1950, c. 414, s. 107, amended.

Polling list to be official

104. The polling list for the rural polling subdivision as so certified by the returning officer shall be the official list for the rural polling subdivision to which it relates, but if any material difference between its contents and the contents of the list as finally revised by the enumerator is discovered, the returning officer shall furnish a certificate of the error to the deputy returning officer and to each candidate, and the list shall for all purposes be taken to have been amended in accordance with the certificate. R.S.O. 1950, c. 414, s. 109, amended.

GENERAL

- **105.** Any copies of lists or of statements of changes or Distribution additions in any list required by this Part to be distributed candidates. to the candidates may be distributed to the official agents of the candidates who have been nominated as such at the pending election, if any. R.S.O. 1950, c. 414, s. 110, amended.
- 106. Every enumerator who wilfully neglects, omits or Failure of refuses to perform any of the duties imposed on him by this Act or the regulations shall, for each omission, neglect or refusal, be guilty of an offence and on summary conviction shall be liable to a penalty of \$200, and in addition thereto shall forfeit his right to payment for any services already rendered. New.
- 107. The returning officer may at any time replace any Replacement of enumerator appointed by him by appointing another enumer-enumerator. ator to act in his place and stead and, upon receiving notice in writing from the returning officer of his replacement, the enumerator so replaced shall forthwith deliver to the returning officer his credentials and all papers and materials supplied to him. New.

REGULATIONS

- 108. The Lieutenant-Governor in Council may make Regulations. regulations,
 - (a) prescribing the forms, notices and other documents to be used for the purposes of this Part;
 - (b) respecting the duties of the clerk of the board, the enumerators and all other clerks and officers appointed or acting under this Part;
 - (c) respecting the books and other records to be kept of the proceedings of the board, the enumerators and the revising officers;
 - (d) fixing the fees to be payable to the board, the enumerators and the revising officers and clerks for services performed, the witness fees and costs, if

any, the costs of any premises used for the purpose of registration or revision, and the cost of printing the lists, and any other costs incurred in connection therewith, and prescribing the manner in which and by whom they shall be borne and paid;

- (e) fixing the times in connection with the preparation of any list where no other provision in this Part has been made;
- (f) for giving directions as to any matter in connection with the preparation or revision of lists under this Part which is not expressly provided for therein; and
- (g) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Part. R.S.O. 1950, c. 414, s. 111.

PART IV

Rev. Stat., c. 414, repealed.

109. The Voters' Lists Act is repealed.

Commencement. **110.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

111. This Act may be cited as The Voters' Lists Act, 1951.

SCHEDULE

FORM 1

The Voters' Lists Act, 1951

Sections 7 (1), 8 (1)

FORM OF VOTERS' LIST

SCHEDULE OF POST OFFICES

1. North Augusta.

3. Wright's Corners.

2. Maitland.

4. Prescott.

POLLING SUBDIVISION No. 1, COMPRISING, ETC.:—(Giving the Limits)

Part I—Persons entitled to vote at Both Municipal Elections and Elections to the Legislative Assembly

Name	Con- di- tion	street	Concession number or street name		Post Office address	Jurors' Col.	If Sep. School Sup- porter
Kelly, Patrick Phillips, Frederick Murray, Alma	В	3		Owner Tenant M.F.N.C.	1 1 1		S

(or where council has directed alphabetical arrangement)

Anderson, Henry.	M	N W ½ 6	3	Owner	1	S
Andrews, John	В	W 14 acr. 8	1	F.S.	4	
Archer, Mary	MW	2	9	M.F.N.C.	4	S
Burton, Samuel	W'er	E ½ 17	4	See Subdiv. No.	2	
Clark, Edith	W	W ½ 17	4 .	Tenant	5	
		1 -				

PART II—Persons entitled to vote at Municipal Elections ONLY

Name	Lot or street number	Concession number or street name		Post Office address	If Sep. School Supporter
Jones, Douglas	4 6	Spruce St. """ """ """ """ """ """ """ """ """ "	Owner Tenant M.F.N.C.	1 1 1	S

(or where council has directed alphabetical arrangement)

POLLING SUBDIVISION No. 2, COMPRISING, ETC.:—(Giving the Limits)

(Note: In the Column headed "Condition" insert the initial letter or letters "M" (Married); "M.W." (Married Woman); "S" (Spinster); "W" (Widow); "W'er" (Widower); "B" (Bachelor), according to the circumstances.)

The Voters' Lists Act, 1951

Section 10 (1)

CERTIFICATE TO BE ENDORSI	D ON PART	I OF THE	VOTERS'	LIST
---------------------------	-----------	----------	---------	------

I, A. B., Clerk of the..............................., in the County of................., certify that the within (or above) list being the first part of the voters' list constitutes a correct list for the year 19..... of all persons appearing by the assessment roll to be entitled to vote at both elections for members of the Legislative Assembly and municipal elections in the said Municipality, and I hereby call upon all voters to take immediate proceedings to have any omissions or errors corrected according to law.

A.B., Clerk of....

R.S.O. 1950, c. 414, Sched., Form 2.

FORM 3

The Voters' List Act, 1951

Section 10 (1)

CERTIFICATE TO BE ENDORSED ON PART II OF THE VOTERS' LIST

I, A. B., Clerk of the, in the County of, certify that the within (or above) list being the second part of the voters' list constitutes a correct list for the year 19.... of all persons appearing by the assessment roll to be entitled to vote at municipal elections only in the said Municipality, and I hereby call upon all voters to take immediate proceedings to have any omissions or errors corrected according to law.

A. B., Clerk of....

R.S.O. 1950, c. 414, Sched., Form 3.

FORM 4

The Voters' Lists Act, 1951

Section 12

CLERK'S NOTICE OF FIRST POSTING OF VOTERS' LIST

Voters' List, 19....,of....., County of......

Notice is hereby given that I have complied with section 9 of *The Voters' Lists Act*, 1951, and that I have posted up at my office at..., on the..., day of..., 19..., the list of all persons entitled to vote in the said Municipality at municipal elections and that such list remains there for inspection.

And I hereby call upon all voters to take immediate proceedings to have any omissions or errors corrected according to law, the last day for appeal being the......day of.........., 19.....

Dated this....., 19....

A. B., Clerk of....

R.S.O. 1950, c. 414, Sched., Form 4.

The Voters' Lists Act, 1951

Section 13 (5)

Affidavit	IN	Support	OF	APPLICATION	FOR	NAME	то	BE
		PLACED	ON	REVISED LI	ST			

I,, of the of ..., in the County of, make oath and say:

1. That I am (or that is to the best of my personal knowledge) a British subject of the full age of 21 years, and not a citizen or a subject of any foreign country.

2. That on the day of, 19 ... (Fill in the last day for making complaint to the county judge), I will have (or the said will have) resided in Canada for the twelve months next preceding that day and that I am (or the said is) a resident

4. That I am not (or that the said..... is not) disqualified under *The Election Act, 1951*, or otherwise by law prohibited from voting at elections for the Legislative Assembly.

of this municipality.

A Commissioner, etc.

R.S.O. 1950, c. 414, Sched., Form 5, amended.

FORM 6

Sections 14 (1), 16 (1)

The Voters' Lists Act, 1951

NOTICE OF COMPLAINT OR APPEAL

Polling Subdivision No	Ward	No of
		(municipality)

(This notice must not apply to the lists for more than one polling subdivision)

То,	, Clerk of the	for the

I (Insert full name—No initials), a person entered or entitled to be entered on the voters' list in the above-mentioned municipality in the electoral district of............, complain that the persons whose names are set forth in List No. 1, are entitled to be on the voters' list for the above-mentioned polling subdivision, but are omitted from the said list; that the persons whose names are set forth in List No. 2 are incorrectly described in the said list; that the persons whose names are

SE	et forth in Lis	st No. 3 o	ught not	to have	been en	itered on	the vot	ers' list
	r the above-n							
	apply to the							
	that behalf.			î.		•		

that behalf.		(Signed)			
Dated this	day of		,	19	

LIST No. 1 (Showing voters omitted from or not entered on the Voters' List)

NAMES OF PERSONS	ADDRESS	CONDITION (Here write letters: "M." meaning Married; "B." meaning Bachelor; "W'er" meaning Widower; "M.W." meaning Married Woman; "S." meaning Spinster; "W." meaning Widow; "S.F." meaning Soldier's Franchise.)
Insert full name and do not use initials.		

LIST No. 2 (Showing persons whose names are wrongly stated in Voters' List)

NAMES OF PERSONS	ADDRESS AS STATED IN LIST	The Errors in State- ment upon Voters' List
Insert name as entered on list.		

LIST No. 3 (Showing persons whose names ought not to be on Voters' List)

NAMES OF PERSONS	ADDRESS AS STATED IN LIST	Grounds on Which Such Persons' Names Ought Not to be on the Voters' List			
Insert name as entered on list.					

Chap. 93

Schedule

The Voters' Lists Act, 1951

VOTERS' NOTICE OF COMPLAINT

(For use by individual complainants)

Electora Complai	al District of int as to Voters' List for Polling Subdivision Noof
	(municipality)
entitled and elec- rom th	(full name of complainant) to be entered on a voters' list in the above-mentioned municipality ctoral district, hereby complain that my name has been omitted e list for the above polling subdivision, and appeal to have it thereon.
I here	eby state and declare that
(1)	I am a British subject by birth. (If naturalized, cross out "birth", write in "naturalization" and give date of your certificate. Naturalized citizens must bring their certificate of naturalization with them when their appeals are to be heard.)
(2)	My occupation is
(3)	I have resided in Canada since
(4)	I have been living at (Give present street address, or lot and concession number.)
	since. (If you have moved within last five months, give each address at which you have lived in that period and date of moving from each.)
` '	I am over 21 years of age.
And toursuan	take Notice that I intend to apply to the judge in respect thereof, at to the statute in that behalf.
Date	d this, 19
	(Complainant sign here)
	R.S.O. 1950, c. 414, Sched., Form 6.
	POPM 7
	FORM 7
	The Voters' Lists Act, 1951
C	Section 16 (3)
	'S REPORT IN CASE OF APPEALS AND COMPLAINTS TO THE JUDGE
The several no other omission grounds were re-	is Honour the Judge of the County Court of the County of
schedul	e. $A.B.,$ $Clerk\ of$

Schedule

1 NAME OF COMPLAINANT	2 ERRORS OR OMISSIONS COMPLAINED OF	3 DATE WHEN NOTICE OF COMPLAINT RECEIVED BY CLERK			

R.S.O. 1950, c. 414, Sched., Form 7.

FORM 8

The Voters' Lists Act, 1951

Section 16 (3)

Judge's Order Appointing Court for Hearing Complaints and Appeals

To..... of.....

I appoint the				
hour of				
court to hear and d	etermine the seve	eral complaints	of errors and	omissions
in the first and se	cond parts of the	ne voters' list	for the	
of f	or 19			

I direct that the Assessor for the Municipality shall attend the sittings of the said court, and that the assessment roll and the minutes of the Court of Revision for the Municipality for 19.... be produced thereat.

Judge C. C.

R.S.O. 1950, c. 414, Sched., Form 8.

FORM 9

The Voters' Lists Act, 1951

Section 16 (3)

Notice to be Posted by Clerk in His Office with List of Complaints

Notice is hereby given that a court	t will be held, pursuant to The Voters'
Lists Act, 1951, at	, on the day of
	o'clock,for hearing
	t and second parts of the voters' list
	for 19, particulars of which
complaints are shown in the subjoine	ed schedule.

Dated this	day of	, 19
------------	--------	------

A. B.,						
Člerk	of.					

Schedule

NAME OF PARTY COMPLAINING	NAME OF PERSON IN RESPECT TO WHOM APPEAL WAS MADE	GROUNDS OF COMPLAINT ALLEGED
,		

R.S.O. 1950, c. 414, Sched., Form 9.

Chap. 93

FORM 10

The Voters' Lists Act, 1951

Section 16 (3)

CLERK'S NOTICE TO PARTY COMPLAINING

You are hereby notified that a Court of Revision of the first and second parts of the voters' list, 19, for the
on theday of
By order of His Honour the Judge of the County Court of the County of
Dated this, 19
ToA person complaining of error in the voters' list.
A.B.,
Clerk of the said Municipality, andof the Court

R.S.O. 1950, c. 414, Sched., Form 10.

FORM 11

The Voters' Lists Act, 1951

Section 16 (3)

CLERK'S NOTICE TO PARTY COMPLAINED AGAINST

will be held by the Judge of the County Court of the County of
By order of His Honour the Judge of the County Court of the County of
To Entered on voters' list. A. B., Clerk of the said Municipality, andof the Court R.S.O. 1950, c. 414, Sched., Form 11.
FORM 12
The Voters' Lists Act, 1951
Section 17 (1)
SUBPOENA
ONTARIO: GEORGE THE SIXTH, by the Grace of God, of Great Britain, Ireland and the

British Dominions beyond the Seas, King, Defender of the Faith.

We command you, that, all excuses being laid aside, you be and appear in your proper person before our Judge of our County Court of the County of ..., at ..., on the ..., day of ..., 19..., ato'clock in thenoon, at a court appointed, and there and then to be held, for hearing complaints of errors in the

voters' list for 19... of the of in the County of, and for revision of the said voters' list, then and there to tesify to all and singular those things which you know in a certain matter (or matters) of complaint made and now depending before the said Judge, under The Voters' Lists Act, 1951, where one..... is complainant, and which complaint is to be tried at the said court. (And if the witness is required to produce documents) that you bring with you and produce at the said time and place (Set out the documents to be produced). Herein fail not.

Witness, His Honour...., Judge of our said Court at ..., the ..., in the year of our Lord 19....

R.S.O. 1950, c. 414, Sched., Form 12.

The Voters' Lists Act, 1951

Section 20 (1)

REPORT	OF	CLERK	WHEN	APPLYING	FOR	CERTIFICATE	UNDER
		. *	Si	ection 20			

Section 20
To the Clerk of the Peace of the County of
I,, Clerk of theof, in the County of, do hereby certify as follows:
That I did, on the
That I did also deliver or transmit by post the required number of similar printed copies of the list, with my certificate endorsed, to each of the persons entitled thereto under section 9 of the said Act.
That I did on theday of, 19, cause to be inserted in the newspaper called the "", published inthe notice required by section 12 of that Act.
That no person gave me nor did I receive, within 14 days after I had posted up the list in my office, any written notice of complaint or intention to apply to the Judge in respect to the list.
And to the best of my knowledge and belief, I have complied with all the requirements of that Act, so as to entitle me to apply for certified copies under section 20, and I now apply to you to certify the requisite number of the copies of the list received by you as being the revised list of voters for the municipality of the said
Witness my hand thisday of, 19
Clerk of theof
P.O.
R.S.O. 1950, c. 414, Sched., Form 13.

FORM 14
The Voters' Lists Act, 1951
Section 20 (1)
CERTIFICATE WHERE NO COMPLAINTS
A. B., Clerk of the
I,, Clerk of the Peace of the County of, in pursuance of the provisions of <i>The Voters' Lists Act</i> , 1951, certify that the first and second parts of the annexed printed list of voters, being one of the copies received by me from

the clerk under section 9 of that Act, is the last revised list of persons entitled to vote at elections to the Assembly as well as at municipal elections, and that the second part of the said annexed list is the last revised list of persons entitled to vote at municipal elections only in the said municipality for the year 19....

Given under my hand at..., this..., day of..., 19...,

Clerk of the Peace

R.S.O. 1950, c. 414, Sched., Form 14.

FORM 15

The Voters' Lists Act, 1951

Section 21 (1)

CERTIFICATE OF JUDGE WHEN COMPLAINTS HAVE BEEN MADE

Dated this....., 19....

Judge

R.S.O. 1950, c. 414, Sched., Form 15.

FORM 16

The Voters' Lists Act, 1951

Section 21 (3)

CERTIFICATE OF CLERK OF THE PEACE WHEN COMPLAINTS HAVE BEEN MADE

I,, Clerk of the Peace of the County of, pursuant to section 21 of The Voters' Lists Act, 1951, do hereby certify that the above (as the case may be) is a correct copy of the statement of changes made by His Honour, Judge of the County Court of the County of, in the first and second parts of the list of voters for the year 19..., as certified by the said Judge.

Clerk of the Peace

R.S.O. 1950, c. 414, Sched., Form 16.

FORM 17

The Voters' Lists Act, 1951

Section 21 (4)

CERTIFICATE OF JUDGE WHEN COMPLAINTS HAVE BEEN MADE

I,, Judge of the County Court of the County of, pursuant to subsection 4 of section 21 of *The Voters' Lists Act*, 1951, do

hereby certify that the above (as the case may be) is a correct copy of the first and second parts of the list of voters for the year 19..., received by me from the clerk of the........................., according to my revision and correction thereof, pursuant to the provisions of the said Act.

Judge

Chap. 93

R.S.O. 1950, c. 414, Sched., Form 17.

FORM 18

The Voters' Lists Act, 1951
Section 35 (1)

ORDER FOR PAYMENT OF COSTS

On the proceedings taken before me I find and adjudge that the name of the said C.D. was rightly inserted in the said list (or was wrongly inserted in the said list), and order that the said A.B. do pay the said C.D. his costs occasioned by the said complaint (or and order that the said C.D. shall pay the said A.B. his costs incident to the said complaint) (or and order that E.F., the Assessor of the said Municipality, do pay the said A.B. his costs incident to the said complaint) (or, as the case may be, stating it in brief), which I fix at the sum of ...

Dated this....., 19.....

Judge

R.S.O. 1950, c. 414, Sched., Form 18.

FORM 19

The Voters' Lists Act, 1951

Section 38

WRIT OF EXECUTION

In the..... Division Court in the County of.....

Given under the seal of the Court, this......day of, 19.....

X. Y.,

To V. W.,

Bailiff of the said Court.

R.S.O. 1950, c. 414, Sched., Form 19.

The Voters' Lists Act. 1951

Section 43 (1)

APPLICATION TO JUDGE AGAINST DELINQUENT CLERK
Pursuant to section 43 of <i>The Voters' Lists Act, 1951</i> , I, A. B., Clerk of the Peace of the County of
Dated at, thisday of, 19, A. B., Clerk of the Peace
Cierk of the 1 eace

R.S.O. 1950, c. 414, Sched., Form 20.

FORM 21

The Voters' Lists Act, 1951

Section 43 (3)

SUMMONS

	In the matter of the voter	's' list for the	of,
in	the County of	, for 19	

Whereas it appears by the application of A. B., the Clerk of the Peace of the said County (or a person entitled to be entered on the said list), made to me, in pursuance of the said Act, that you have failed to perform certain duties required of you by the said Act, in this, that you have not made out the list of voters for 19... for the said Municipality, within 30 days after the return of the assessment roll thereof (or as the case may be, following the application); and whereas the said A. B. has applied to me to enforce the performance of the duties aforesaid;

and submit yourself for examination on oath.

To C. D. Clerk of the Municipality of.....

Judge

R.S.O. 1950, c. 414, Sched., Form 21.

The Voters' Lists Act, 1951 Section 58

APPOINTMENT OF ENUMERATOR IN URBAN POLLING SUBDIVISIONS

To (insert name of enumerator). Whose address is (insert address). And whose occupation is (insert occupation).

R.S.O. 1950, c. 414, Sched., Form 22, amended.

FORM 23

The Voters' Lists Act, 1951 Section 58

OATH OF ENUMERATOR IN URBAN POLLING SUBDIVISIONS

I, the undersigned (insert name of enumerator) appointed one of the enumerators for Polling Subdivision No................... of the Electoral District of............, do solemnly swear (or affirm) that I will act faithfully in my said capacity of enumerator, without partiality, fear, favour or affection, and in every respect according to law. So help me God.

Enumerator

R.S.O. 1950, c. 414, Sched., Form 23.

FORM 24

The Voters' Lists Act, 1951 Section 62 (1)

Enumerators' Record Form

													n.u												
													пи							٠			 	٠	
Occupation																									
Address																									
Name																									
The following name at the forthcoming electric division No	ction	of	a:	me	ml	oei	r t	0	th	е	Á	SS	er	nl	bΊ	у	iı	1	P	ol	li	ng	Sυ	ιb	

New.

The Voters' Lists Act, 1951 Sections 62 (1), 63 (1), 94 (1)

Electora	l District			
Polling S	Subdivision No			
Name of	f Street			
No.	Name (family or surname first)	Occupation or addition	Residence Street and No.	Remarks

(NOTE: The list shall be made up in the order of street numbers where there is street numbering in effect and in alphabetical order elsewhere.)

R.S.O. 1950, c. 414, Sched., Form 24, amended.

FORM 26

The Voters' Lists Act, 1951
Section 62 (4)

Notice of Inability to Obtain Information for Purposes of Registration

Take notice that the enumerators appointed under Part III of The
Voters' Lists Act, 1951, attended at the premises known as
between 9 a.m. and 6 p.m. on theday
of, and between 7 p.m. and 10 p.m. on
the day of but were unable to secure
all the information necessary to ensure that they have obtained the names
of all persons residing therein who may be qualified to vote at the forth-
coming election of a member of the Assembly.

Information relating to the sittings of the revising officer at which any complaint that the name of a voter has been omitted from the voters' list will be heard may be obtained at.....

•					Ė					•	•		•	•	•	
			.*		F									٠		

New.

The Voters' Lists Act, 1951 Sections 75 (2, 3), 80

Application for Registration
Electoral District of
This application relates to
Surname First name Occupation Address and residence
Statement of Facts
1. The above-named was resident in this Electoral District at (set out his address) at the date of the issue of the writ of election.
2. The said person is a British subject of the full age of 21 years.
3. The said person has been resident in Ontario during the last 12 months next preceding the day of polling.
4. The said person is not disqualified as a voter for any reason.
5. The said person is accordingly entitled to vote at the pending election of a member to serve in the Legislative Assembly, for this Electoral District, and is entitled to be entered on the Voters' List as a qualified voter.
Declaration and Request of Applicant in Person
I declare that I am the person above described and that the above statement of facts is correct, and I request that my name be entered in the list of voters for Polling Subdivision Noin this Electoral District.
Dated this, 19
Signature of Applicant
Alternative Declaration and Request of Relative or Employer.
I declare that I am the (insert "relative" or "employer") of the person above described, that I believe the above statement of facts to be correct, and that the person above described is unable to attend in person for the purpose of making this application by reason of sickness or disability, or by reason of necessary, temporary, unavoidable and bona fide absence from the municipality.
I request that the name of the person above described be entered in the list of voters for Polling Subdivision No
Dated this, 19
Signature of Employer or Relative

The Voters' Lists Act, 1951 Section 76 (1)

LIST OF COMPLAINTS OF PERSONS WRONGFULLY REGISTERED

Registrations Complained Against Electoral District..... Polling Subdivision No.... Occupation Name Residence Reasons (family or Street and for or surname first) addition No. Complaint And on the last page insert Signature of Complainant R.S.O. 1950, c. 414, Sched., Form 26. FORM 29 The Voters' Lists Act. 1951 Section 76 (1) Affidavit Verifying List of Complaints of Persons Wrongfully Registered Electoral District..... Polling Subdivision No.... I (insert name of complainant) of the......of..... make oath and say: 1. I have been entered as a voter by the enumerators in Polling Sub-...., and my name appears on the list of voters prepared by the said enumerator as entitled to vote at the pending election. 2. That there have been included in the list of voters prepared by the enumerator for Polling Subdivision No........................ in the Electoral District of, the persons whose names are set out in the attached list of complaints. 3. That I have good reason to believe and do verily believe that the said names should not appear upon the said list of voters for Polling Subdivision No..... in this Electoral District upon grounds which I will produce before the Revising Officer. Sworn before me at the..... in the County (or District) of..... Signature of Complainant this.....day of..... A Commissioner, etc.

The Voters' Lists Act, 1951 Sections 76 (2), 77 (2)

NOTICE TO VOTER OBJECTED TO
Electoral District
Polling Subdivision No.
To (set out name, address and occupation of voter as in list compiled by the enumerator).
Take notice that a complaint has been filed with me alleging that your name entered upon the list of voters by the enumerator of Polling Subdivision No
If you desire to appear before the Revising Officer to substantiate your right to have your name remain on such list of voters, you must appear before the Revising Officer appointed to revise the list at his sitting held at (insert the date and hour and place of one of the days appointed for the sittings).
If you or your representative do not appear before the Revising Officer and establish before him your right to have your name remain on the said list and answer such complaint, the Revising Officer will proceed to hear under oath the evidence as to the complaint, and if satisfied that your name should not remain on such list, he shall strike the same therefrom.
This notice is given pursuant to section 76 (or 77) of The Voters' Lists Act, 1951.
Dated at, this, day of, 19
Clerk to Revising Officer
R.S.O. 1950, c. 414, Sched., Form 28, amended.
FORM 31
The Voters' Lists Act, 1951
Section 77 (2)
Affidavit as to Disqualification of Person Registered
Electoral District.
Polling Subdivision No.
I (insert name of complainant) of the
1. I have been entered as a voter by the enumerators in Polling Subdivision Nofor the Electoral District of
2. That there has been included in the list of voters prepared by the enumerators for Polling Subdivision No

3. That I have good reason to believe and do verily believe that the said name should not appear upon such list because (here state reason; see clause c of subsection 1 of section 77) upon grounds which I will produce before the Revising Officer.
Sworn before me at the
of in the County (or District) of this
A Commissioner, etc.
New.
FORM 32
The Voters' Lists Act, 1951
Section 92
Appointment of Enumerator in Rural Polling Subdivisions
To (insert name of enumerator). Whose address is (insert address). And whose occupation is (insert occupation).
Know you that in pursuance of the authority given by section 92 of <i>The Voters' Lists Act</i> , 1951, I, the undersigned, in my capacity as Returning Officer for the Electoral District of
Given under my hand thisday of, 19
Returning Officer
R.S.O. 1950, c. 414, Sched., Form 22, amended.
<u> </u>
FORM 33
The Voters' Lists Act, 1951
Section 92
Oath of Enumerator
I, the undersigned (insert name of enumerator) appointed the enumerator for Polling Subdivision No of the Electoral District of
Enumerator

R.S.O. 1950, c. 414, Sched., Form 23, amended.

The Voters' Lists Act, 1951

Section 93

Notice of Rural Enumeration of Voters
Electoral District
Polling Subdivision No
Public notice is hereby given that I, , have been appointed enumerator for the above-mentioned rural polling subdivision and am about to prepare a preliminary list of voters who are qualified to vote therein at a provincial election, and that I will complete such preliminary list on , the
And that during the hours between 10 a.m. and 10 p.m. on , the
(insert an exact description of the place
and where the enumerator intends to remain) so that I may be found there by any person who desires to direct attention to any error in any entry in the preliminary list or to represent that such list does not contain the name of any person residing in the said polling subdivision who is qualified to vote at the pending provincial election or does contain the name of any person who is not qualified to vote thereat.
And that in order that the preliminary list of voters for the said polling subdivision shall be available for inspection by persons desiring to inspect it, a copy thereof will be posted up, forthwith after its completion, at the place described above and will remain so posted until all proper corrections have been made in the list.
And that after 10 p.m. on, theday of, 19, no further corrections or additions will be made, and the preliminary list as finally revised and certified by me will constitute the official list of voters to be used for the taking of the vote at the pending election for the said polling subdivision.
Dated at, thisday of, 19
Enumerator

New.



An Act to amend The Wolf and Bear Bounty Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 7 of *The Wolf and Bear Bounty Act* is amended Rev. Stat., by adding thereto the following subsection:

 amended.
 - (2) If it is determined by the person to whom a skin is Mistaken delivered under subsection 1 that it is not the skin of a wolf, it shall thereupon become the property of the Crown in right of Ontario and may be disposed of in such manner as the Minister may direct.
- 2. Section 16 of *The Wolf and Bear Bounty Act* is amended Rev. Stat., by adding thereto the following subsection:
 - (3a) Where a permit has been issued under subsection 2, Release from the holder thereof shall not release the wolf or bear from captivity until he has obtained the approval in writing of the Minister.
- 3. This Act may be cited as The Wolf and Bear Bounty Short title. Amendment Act, 1951.



WORKMEN'S COMPENSATION

An Act to amend The Workmen's Compensation Act

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Clause a of subsection 1 of section 3 and subsection 1 of Rev. Stat., section 50 of *The Workmen's Compensation Act* are amended subs. 1, cl. a; by striking out the word "seven" in the second line and in the amended. third line respectively and inserting in lieu thereof in each instance the word "five".
- 2. Subsection 7 of section 6 of The Workmen's Compen-Rev. Stat... c. 430, s. 6, sation Act is repealed.
- 3. Section 11, subsection 1 of section 43 and subsection 1 Rev. Stat. of section 97 of *The Workmen's Compensation Act* are amen-s. 43, subs. 1; ded by striking out the symbol and figures "\$3,000" in the symbol and figures "\$1,000" in the amended fifth line, in the fourth line and in the third line respectively and inserting in lieu thereof in each instance the symbol and figures "\$4,000".
- 4. Subsection 1 of section 27 of *The Workmen's Compen-Rev.* Stat. sation Act is amended by inserting after the word "equal" in subs. 1, the seventh line the word "either" and by inserting after the amended. word "value" in the eighth line the words "or the full annual value", so that the subsection shall read as follows:
 - (1) Where a weekly or other periodical payment is Commutapayable by the employer individually and has been weekly
 continued for not less than six months, the Board
 may on the application of the employer allow the
 liability therefor to be commuted by the payment
 of a lump sum of such an amount as, if the disability
 is permanent, would purchase an immediate annuity
 from a life insurance company approved by the
 Board, equal either to 75 per cent of the annual value
 or the full annual value of the weekly or other periodical payments, and in other cases of such an amount
 as the Board may deem reasonable.

Chap. 95

Rev. Stat... c. 430, s. 36, subs. 1, cl. a, Workmen's Compensation Act is amended by striking out the symbol and figures "\$125" in the second line and inserting in lieu thereof the symbol and figures "\$200".

- Rev. Stat., c. 430, s. 36, (2) Clause b of subsection 1 of the same section c subs. 1, cl. b, by striking out the word "transferred" in the second line and amended. striking out the words, symbol and figures "not exceeding \$125" in the third and fourth lines, so that the clause shall read as follows:
 - (b) where owing to the circumstances of the case the body of the workman is transported for a considerable distance for burial, a further sum for necessary extra expenses of the burial thus entailed;

Rev. Stat., c. 430, s. 36, subss. 3, 5, amended.

(3) Subsections 3 and 5 of the said section 36 are amended by striking out the symbol and figures "\$100" in the second line and in the fourth line respectively and inserting in lieu thereof in each instance the symbol and figures "\$200".

Rev. Stat., c. 430, s. 50, subss. 1, 2, amended.

6.—(1) Subsection 1, as amended by section 1 of this Act, and subsection 2 of section 50 of The Workmen's Compensation Act are amended by inserting after the words "The Drugless Practitioners Act" in the fifth line and in the third line respectively the words "the aid of chiropodists registered under The Chiropody Act", so that the subsections shall read as follows:

Medical and surgical aid during dis-ability.

Rev. Stat., cc. 110, 54.

(1) Every workman entitled to compensation under this Part, or who would have been so entitled had he been disabled for five days, shall be entitled to such medical, surgical and dental aid, the aid of drugless practitioners registered under The Drugless Practitioners Act, the aid of chiropodists registered under The Chiropody Act, and hospital and skilled nursing services, and in the discretion of the Board where a workman is rendered helpless through permanent total disability, such other treatment, services or attendance as may be necessary as a result of the injury, and shall be entitled to such artificial member or members and apparatus and dental appliances and apparatus as may be necessary as a result of the injury, and to have the same kept in repair or replaced when deemed necessary by the Board.

Interpretation.

(2) In this Act, "medical aid" means the medical, surgical and dental aid, the aid of drugless prac-

titioners registered under The Drugless Practitioners Rev. Stat., oc. 110, 54. Act, the aid of chiropodists registered under The Chiropody Act, and hospital and skilled nursing services, and where a workman is rendered helpless through permanent total disability, such other treatment, services or attendance and the artificial member or members and apparatus and repair above-mentioned.

- (2) Subsection 6 of the said section 50 is amended by in-Rev. Stat. serting after the word "furnished" where it occurs the second subs. 6. time in the second line the words "and as to payment for amended. medical aid", so that the subsection shall read as follows:
 - (6) All questions as to the necessity, character and Determina-sufficiency of any medical aid furnished or to be medical aid furnished and as to payment for medical aid shall be determined by the Board.
- (3) Subsection 7 of the said section 50 is repealed and the Rev. Stat., c. 430, s. 50, subs. 7, subs. following substituted therefor:
 - (7) The fees or charges for medical aid shall not be more Amount of than would be properly and reasonably charged to medical aid. the workman if he was paying them himself, and the amount thereof shall be determined by the Board, and no action for any amount larger than that determined by the Board under this subsection shall lie against the Board and no action in respect of such fees and charges shall lie against the injured workman, his employer or any other person.
- (4) The said section 50 is further amended by adding thereto Rev. Stat.. c. 430, s. 50, the following subsection:
 - (7a) Where accounts for payment of medical aid are not Rendering of received by the Board within such time as the medical aid. Board may prescribe, the Board may impose such penalty by way of a percentage reduction in the amount of the account as it may prescribe.
- 7. Section 51 of The Workmen's Compensation Act is Rev. Stat., amended by striking out the words "and hospital official" amended. in the first line and inserting in lieu thereof the words "hospital official or other person", so that the section shall read as follows:
 - 51. Every physician, surgeon, hospital official or other furnish person attending, consulted respecting, or having reports to the care of any workman shall furnish to the Board

from time to time, without additional charge, such reports as may be required by the Board in respect of such workman.

Rev. Stat., c. 430, amended.

8. The Workmen's Compensation Act is amended by adding thereto the following section:

Real property.

67a. Subject to the approval of the Lieutenant-Governor in Council, the Board may purchase or otherwise acquire such real property as it may deem necessary for its purposes, and may, with the like approval, sell or otherwise dispose of any such property.

Rev. Stat., c. 430, s. 123, subs. 2, amended.

9. Subsection 2 of section 123 of *The Workmen's Compensation Act* is amended by adding at the end thereof the word and figures "or 89", so that the subsection shall read as follows:

Farming industry.

(2) Notwithstanding anything in subsection 1, the industry of farming may be brought under Part I by application of the employer pursuant to section 88 or 89.

Commencement. **10.**—(1) This Act, except sections 1 and 3, subsection 1 of section 6, and section 7, shall come into force on the day it receives the Royal Assent.

Idem.

(2) Sections 1 and 3, subsection 1 of section 6, and section 7 shall come into force on the 1st day of January, 1952, and shall apply only in respect of accidents happening on or after that date.

Short title.

11. This Act may be cited as The Workmen's Compensation Amendment Act, 1951.

PART II PRIVATE ACTS Chapters 96 to 123



463

CHAPTER 96

An Act respecting Barclays Trust Company of Canada

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HEREAS Barclays Trust Company of Canada, herein-Preamble. after called the Company, by its petition has represented that it was incorporated under the name of Barclays Trust Company of Canada by An Act to incorporate Barclays Trust Company of Canada, being chapter 137 of the Statutes of Quebec, 1930-31, and that its present permanent capital stock authorized is \$500,000, all of which has been subscribed for, issued and allotted, and upon which \$500,000 has been paid in cash; and whereas the Company has prayed that an Act be passed authorizing it to transact the business of a trust company in Ontario in conformity to the public general law thereof; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Upon giving security to the satisfaction of the Lieu-Registration tenant-Governor in Council in a sum of not less than \$200,000, Rev. Stat., the Company may, upon filing with the Registrar appointed o: 214 under The Loan and Trust Corporations Act a power of attorney as required by section 116 of that Act, be admissible to registry under that Act, and upon being so registered shall be authorized and empowered to carry on and exercise in Ontario the business of a trust company with those of the powers set forth in that Act which are within the capacity of the Company.
- 2. The Lieutenant-Governor in Council may at any time Further or from time to time require an increase in the amount of such security. security by a notice in writing to the manager or secretary at the chief agency of the Company in Ontario; and if the Company fails to furnish such increased security within two months after such notice then and thereupon the Company shall, ipso facto, become disentitled and shall cease to do further business in Ontario.

Chief agency in Ontario.

3. The chief agency of the Company for Ontario shall be in the City of Toronto and the Company shall keep at that chief agency a manager or other chief agent who, as well as all other officers at the said agency or in Ontario, shall in respect of all business transacted by the Company in Ontario be absolutely subject to the control of the courts of Ontario as fully as if the head office of the Company were within Ontario, and as if the Company were wholly managed and controlled therein.

Investments.

4. All the investments of the Company in respect of all trust business entrusted to it in Ontario shall (subject to the provisions as to investments contained in the deed, will or other instrument of trust and subject to the direction, if any, of the Supreme Court or of any judge thereof) be wholly invested at one or other of the agencies of the Company in Ontario; and the trust securities representing such investments from time to time shall be held and retained at all times at one or other of such agencies and under the control of the courts of Ontario, and shall (subject to the provisions of the said instruments of trust) be securities in which trustees or trust companies are, by the law of Ontario, authorized to invest trust funds.

Extent of powers.

Rev. Stat., c. 214. 5. The Company shall be limited, in respect of all business relating to property and civil rights or provincial objects in Ontario, to the powers conferred on trust companies by *The Loan and Trust Corporations Act*, and shall be subject to the general provisions of that Act and to the general public law of Ontario relating to trust companies and trusts.

Separate accounts.

6. Subject to section 76 of *The Loan and Trust Corporations Act*, the moneys and securities of each trust shall always be kept distinct from those of the Company and in separate accounts, and so marked in the books of the Company for each particular trust as always to be distinguished from any other in the registers and other books of account kept by the Company and at no time shall trust moneys form part of or be mixed with the general assets of the Company.

Trust funds not subject to Company's debts.

7. Moneys, properties and securities received or held by the Company upon trust or as agent of any person or corporation shall not be liable for the debts or obligations of the Company.

Jurisdiction of courts and judges in Ontario.

8. In the case of the appointment of the Company to any trust or office by any court or judge in Ontario, such court or judge may at any time and from time to time require the Company to render an account of its administration of the particular trust or office to which the Company has been so appointed and a judge of the Supreme Court may also at any

time and from time to time appoint a suitable person to investigate the affairs and management of the Company, and as to the security offered to those by or for whom its engagements are held, and such person shall make his report to such court or judge and the costs and expenses of such investigation shall be borne as ordered by such court or judge.

- **9.** Nothing in this Act shall be deemed to authorize the Proviso. Company to commence business in Ontario until it has been c. 214. registered as required by the provisions of *The Loan and Trust Corporations Act* nor to continue except when so registered.
- 10. This Act shall come into force on the day it receives Commencethe Royal Assent.
- 11. This Act may be cited as The Barclays Trust Company short title. of Canada Act, 1951.



An Act respecting the City of Belleville Bus Franchise

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HEREAS Thomas Frederick Rawson by his petition Preamble. has represented that it is desirable to have confirmed By-law No. 6144, 1951, of the Corporation of the City of Belleville, and the agreement attached thereto, for the purpose of granting a franchise to the said Thomas Frederick Rawson to provide and operate a passenger transportation bus service within the limits of the City of Belleville; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) By-law No. 6144, 1951, of the Corporation of the Bus franchise City of Belleville, passed by the council thereof on the 8th validated. day of January, 1951, being a by-law to grant a franchise to Thomas Frederick Rawson to provide and operate a passenger transportation bus service within the limits of the City of Belleville, set forth as the Schedule hereto, and the agreement set out in Schedule A to the by-law, are hereby confirmed and declared to be valid and binding upon the said Corporation and the ratepayers thereof and upon the said Thomas Frederick Rawson, and upon any other person or persons affected thereby.
- (2) Nothing in the said by-law and agreement shall be Minister of Highways' construed as affecting the powers conferred on the Minister powers not affected. of Highways by The Public Vehicles Act. Rev. Stat., c. 322.
- 2. This Act may be cited as The City of Belleville Bus Short title. Franchise Act, 1951.

SCHEDULE

THE CORPORATION OF THE CITY OF BELLEVILLE

By-Law Number 6144

A By-law to authorize the entering into an Agreement with Thomas Frederick Rawson and the execution thereof granting the said Thomas Frederick Rawson an exclusive franchise to operate a bus line in the City of Belleville according to the terms and conditions of the said Agreement.

PASSED the 8th day of January, 1951.

Whereas it is deemed expedient by the Council of the Corporation of the City of Belleville and of benefit and convenience for the travelling public, an Agreement be entered into between the Corporation of the City of Belleville and Thomas Frederick Rawson granting him an exclusive franchise to operate a bus line in the City of Belleville according to the terms and conditions of the said Agreement attached hereto and marked as Schedule "A" to this by-law.

Now Therefore, the Council of The Corporation of the City of Belleville hereby enacts as follows:

- 1. Said Agreement attached hereto and marked Schedule "A" to this by-law be and the same is hereby confirmed, and that the Mayor and Clerk be, and they are hereby authorized to execute the said Agreement and affix thereto the Corporate Seal.
- 2. This by-law shall come into force and take effect immediately upon Royal Assent being given to the Special Act of the Legislature for the Province of Ontario ratifying and confirming the said Agreement.

Read a first time this 8th day of January, 1951.

Read a second time this 8th day of January, 1951.

Read a third time and finally passed this 8th day of January, 1951.

R. T. Potter,

Mayor.

J. WILFRED HOLMES, Clerk.

(Seal)

Schedule A

This Agreement made this Eighth day of January, A.D. 1951.

BETWEEN:

THE CORPORATION OF THE CITY OF BELLEVILLE, hereinafter called the "Corporation",

OF THE FIRST PART,

-and-

THOMAS FREDERICK RAWSON, of the City of Belleville, in the County of Hastings, hereinafter called the "Operator",

OF THE SECOND PART.

Whereas the Operator has offered to provide and operate a bus service for the conveyance of passengers upon and over certain designated streets and routes within the limits of the Corporation upon the terms and conditions hereinafter set forth.

AND WHEREAS by by-law duly passed by the Municipal Council of the Corporation, the Mayor and Clerk of the Corporation have been authorized and directed to execute, seal and deliver this Agreement on behalf of the Corporation.

Now Therefore This Agreement Witnesseth that for valuable consideration, the parties hereto covenant and agree as follows:

- 1. The Corporation hereby grants to the Operator the exclusive right, franchise and privilege for the full period of ten years from the 31st day of January, 1951, to operate a passenger transportation system, not including a street railway, and for such purpose to construct, maintain, lease, use, own and operate, buses and other vehicles operated by gasoline, electricity, (except when supplied by overhead wires), steam, air or other motive power, together with any rolling stock or equipment necessary and incidental thereto, to the extent and upon the terms mentioned and authorized in and by this Agreement, and for the said purpose to use, occupy and operate upon the designated streets of the Corporation and along the routes herein defined for a term of ten years.
- 2. In consideration of the exclusive right, franchise and privilege herein granted by the Corporation to the Operator, the Operator hereby covenants and agrees to pay to the Corporation the sum of Two Hundred Dollars (\$200.00) of lawful money of Canada per annum for each scheduled bus, there being presently six (6) scheduled buses in operation, the said sum being payable on the 31st day of March in each year, the first of such payments to become due and payable on the 31st day of March, 1951. Provided that at the end of five years from the 31st of January, 1951, and every five years thereafter, the parties hereto will re-negotiate the amount payable to the Corporation for each scheduled bus, and should the parties at any time fail to agree as to the amount payable, then the Corporation may at its option terminate the said franchise.
- 3. During the term of this Agreement, the Corporation shall not, without the consent of the Operator, grant or permit to be granted to any other person, partnership, company or corporation, any right, privilege, license or franchise to construct, maintain, use or operate, any lines of railway for local passenger traffic, or any bus or other similar vehicle for the purpose of transportation of passengers for gain or hire upon the designated streets or along the routes herein defined. Provided that this Section shall not apply to,
 - (a) Cabs or taxicabs licensed to operate by The Corporation's Police Commissioner;
 - (b) A bus, jitney or other similar vehicle operating between any point in the City and any locality outside the City, but in no case shall such bus, jitney or other similar vehicle be permitted to take on and discharge passengers along the designated streets or routes.
- 4. Notwithstanding anything herein contained, should the Operator by reason or riots, Acts of God, the public enemies, or any other reason except road and weather conditions, fail to operate over any portion of such designated streets or routes, the Corporation may grant or permit to be granted to any person, partnership, company or corporation, the right to operate buses, jitneys, or other vehicles for the transportation of passengers over such portion as long as such failure continues, and should the Operator fail to operate over any portion of such designated streets or routes for a period of two months, the Corporation may at its option, upon thirty days' notice in writing to the said Operator, cancel this Agreement, and thereupon all rights of the said Operator hereunder shall cease and be terminated, and the said Operator shall not be entitled to any compensation or damages whatsoever.
- 5. The Operator shall maintain a good bus service, as warranted by the requirements of the Corporation from time to time during the term of the said franchise and any renewal thereof over fixed routes in the Corporation with fixed stopping and starting places and on a published schedule.

- 6. The said Operator covenants and agrees with the said Corporation to carry Public Liability Insurance and be responsible for all accidents resulting from negligence of the said Operator, his agents or workmen, in the operating of his said lines, and that the said Operator shall indemnify and save the Corporation harmless from any and all costs and damages which may accrue in any manner by reason of the operation of the transportation system as hereinbefore set forth; but this provision has no application to the ordinary wear, use and damage to the roads and streets of the said Corporation.
 - 7. The following fares are to be charged for continuous passage:
 - (a) Twelve (12) tickets for one dollar (\$1.00) or three tickets for twenty-five cents transfers free on tickets,
 - (b) Ten cent (10c.) drop cash fare with transfers free,
 - (c) Children and students to be charged at the rate of—no charge for children up to and including 4 years of age, and from 4 to 12 years inclusive five cents cash fare or 26 rides for \$1.00.

The above-mentioned transfer coupons shall entitle the passenger to transfer at the corner of Bridge and Front or at any other point in the City where different buses pass same point and to proceed to destination upon bus transferred to on presentation of said transfer coupon. Provided further that no stop-over shall be allowed at point of transfer except for such time as intervenes between arrival of bus from which passenger alights and the earliest arrival thereafter of the bus to which passenger holds transfer coupon.

Provided that the above schedule of fares may be revised by mutual agreement between the parties hereto.

- 8. The operation of the said bus line is to be subject to the control of the traffic committee of the Belleville Municipal Council and without limiting the generality of the foregoing, the said Traffic Committee is to have absolute jurisdiction over the location and the number of stops made in the City of Belleville.
 - 9. The following are the designated streets and routes:

(a) FOR WEST BELLEVILLE

Commencing at the corner of Bridge and Front Streets; thence westerly on Bridge Street to Yeoman Street; thence northerly on Yeoman Street to West Moira Street; thence easterly on West Moira Street to Cedar Street; thence southerly on Cedar Street to West Bridge Street; thence easterly on West Bridge Street to Front Street; thence northerly on Front Street to Upper Bridge; thence north on North Front Street to College Street; thence easterly on College Street to Cannifton Road; thence southerly on Cannifton Road to Station Street; thence southerly on Station Street to Front Street; thence southerly on Front Street to the place of beginning.

(b) For East Belleville

Commencing at the corner of Dundas Street and Front Street; thence northerly on Front Street to Station Street; thence northeasterly along Station Street to Bleecker Avenue; thence south on Bleecker Avenue to Pine Street; thence west on Pine Street to Charles Street; thence south on Charles Street to Victoria Avenue; thence west on Victoria Avenue to Front Street; thence south on Front Street to Bridge Street; thence east on Bridge Street to Dufferin Street; thence south on Dufferin Street to Dundas Street; thence west on Dundas Street to the place of beginning.

(c) FOR EAST BELLEVILLE

Commencing at the corner of Front Street and Bridge Street; thence easterly and along Bridge Street to the corner of MacDonald Avenue and Bridge Street; thence northerly along MacDonald Avenue to the corner of MacDonald Avenue and Pine Street; thence easterly along Pine Street to the corner of Pine Street and Humewood Drive; thence southerly along Humewood Drive to Oriole Park Avenue; thence southwesterly along Oriole Park Avenue across Crestview Avenue to Bridge Street East; thence easterly along Bridge Street East to Herchimer Avenue; thence southerly along Herchimer Avenue to the Four Lane Highway, known as Highway No. 2; thence easterly along the said Four Lane Highway and Dundas Street East to the corner of Dundas Street East and Front Street; thence northerly along Front Street to the place of beginning.

(d) Crosstown

Commencing at the corner of Front Street and Bridge Street; thence westerly along West Bridge Street and Highland Avenue to Parker Street; thence westerly on Parker Street to Wellington Street; thence northerly on Wellington Street to Yeoman Street; thence northerly on Yeoman Street to Catherine Street; thence easterly on Catherine Street to Cedar Street; thence southerly on Cedar Street to Bridge Street West; thence easterly on Bridge Street West to the place of beginning; thence northerly on Front Street to Victoria Avenue; thence easterly on Victoria Avenue to Bleecker Avenue; thence northerly to Station Street on Bleecker Avenue; thence westerly on Station Street to Front Street; thence southerly on Front Street to the place of beginning.

The Operator agrees with the Corporation to provide a regular fifteen minute service for routes (a) and (b), and a regular thirty minute service for routes (c) and (d), commencing at 6.35 a.m. and ending at 12.05 midnight with the exception of Sundays, public holidays and recognized commercial holidays, such as are agreed upon between the parties hereto.

- 10. The said Operator agrees to use and operate the most modern and up-to-date passenger buses which shall be clean, well-ventilated, heated and lighted and propelled by the use of electricity, gasoline, petrol or similar explosive substances and shall be kept in good running order and in good exterior and interior appearance.
- 11. The said designated streets or routes or other terms or conditions of this Agreement may be altered from time to time by mutual agreement. Provided that this Agreement may be renewed by the parties hereto at any time or on or before the termination of this agreement for a further period of ten years, and subject to the same covenants, provisos and agreements as are herein contained or as may be agreed upon between the parties hereto.
- 12. In case any disagreement or dispute shall arise under or out of this Agreement the same shall be referred to a Board of Arbitrators consisting of the Judge of the County Court of the County of Hastings, one Arbitrator to be appointed by the said Operator and one Arbitrator to be appointed by the said Corporation.
- 13. The Operator and the Corporation covenant and agree each with the other:
 - (a) To carry out the provisions of this Agreement, on the part of each to be carried out,
 - (b) To co-operate by all means in the power of each of them at all times to create the most favourable conditions for the carrying out of the objects of this Agreement or any renewals thereof, and all or any by-laws pertaining thereto.

This Agreement and the benefits accruing therefrom shall accrue to and be binding upon the parties hereto their heirs, successors, administrators and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their seals, the said Corporation affixing its corporate seal attested by the hands of its proper signing officers.

SIGNED, SEALED AND DELIVERED in the presence of

ne presence of

(Seal)

Witnessed by: G. Lummiss.

THE CORPORATION OF THE CITY OF BELLEVILLE.

By: R. T. POTTER,

J. WILFRED HOLMES, Clerk.

THOMAS FREDERICK RAWSON.

An Act respecting the Brockville General Hospital

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

WHEREAS the Brockville General Hospital by its Preamble. petition has represented that it was incorporated in 1885 under An Act respecting Benevolent, Provident and other Societies, being chapter 167 of the Revised Statutes of Ontario, 1877; that the records in connection with the incorporation have been lost and there is now no documentary evidence of its incorporation; and whereas the petitioner has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Brockville General Hospital, hereinafter called the Incorporation, shall be deemed to have been properly incorfirmed. porated as a body corporate and politic in 1885 under the said An Act respecting Benevolent, Provident and other Societies and to have continued and shall continue as a body corporate and politic.
- 2. The Corporation shall be subject to *The Companies Act* Application of Rev. Stat., as if it had been incorporated under that Act, and the purposes 0.59. of the Corporation shall be as follows:
 - (a) To establish and maintain and operate a hospital Purposes of corporation. or hospitals in the Town of Brockville in the County of Leeds or elsewhere in the County of Leeds.
 - (b) To take and accept all gifts, legacies and bequests of money or other personalty and to acquire, hold and possess by gift, devise, bequest, purchase or otherwise, lands, tenements or hereditaments and interests therein for the use, support or purpose of the Corporation, and all persons and bodies corporate

shall have the full and unrestricted right to give, grant, devise and bequeath to the Corporation any land or interest in land or any goods, chattels and effects, but nothing herein shall authorize the Corporation to engage in the business of trading in real estate.

- (c) To establish, maintain and conduct a dispensary.
- (d) To establish, maintain and conduct a training school for nurses.
- (e) To establish, maintain and conduct nursing residences.
- (f) To borrow money upon the credit of the Corporation by way of overdraft on any bank or banks or otherwise, and to issue bonds, debentures or other securities of the Corporation for such sums as the Corporation may determine and at such rate of interest and for such periods as the Corporation may deem expedient, and to pledge or sell the same for such sums and at such prices as may be deemed expedient, and to hypothecate, mortgage or pledge the real or personal property of the Corporation, or both, to secure such bonds, debentures or other securities and any moneys borrowed for the purposes of the Corporation.

Rev. Stat., c. 400.

- (g) To invest the moneys of the Corporation not immediately required for the purposes of the Corporation in any securities in which, under The Trustee Act or any other Act, trustees may invest trust funds.
- (h) To do any or all of the above things as principals, agents, contractors, trustees or otherwise and by or through agents, or otherwise, and either alone or in conjunction with others.
- (i) To do all such things as are incidental or conducive to the attainment of the above objects or any of them.

Interest of

3. The interest of a member in the Corporation shall not members not transferable, and shall lapse and cease to exist upon the death of such member or when such member ceases to be a member by resignation or otherwise in accordance with the by-laws and regulations from time to time in force.

Committee ment.

4. The directors of the Corporation shall constitute the committee of management of the Corporation.

- 5. The directors may from time to time make by-laws By-laws and and regulations, not contrary to law or any provision of the regulations. letters patent, supplementary letters patent, if any, or The Companies Act, and, from time to time, amend, vary or repeal the same, respecting:
 - (a) The admission of members and the election or appointment of directors, trustees and officers.
 - (b) The time and place of holding and the calling of meetings of members, trustees and directors and the requirements as to proxies and the procedure at and the conduct of such meetings.
 - (c) The payment of officers and employees.
 - (d) The control, management and conduct of the affairs of the Corporation.
- 6. Every by-law and regulation and every repeal, amend-Confirmation of by-laws, ment, modification or variation thereof, unless in the mean-etc. time confirmed at a general meeting duly called for that purpose, shall have force only until the next annual meeting of the Corporation, and in default of confirmation thereat shall from that time cease to have force and in that case no new by-law or regulation to the same or the like effect or reenactment thereof shall have any force until confirmed at a general meeting of the Corporation.
- 7. Such by-laws, regulations, amendments, modifications Application of Rev. Stat., and variations shall replace, exclude and modify the regula- c. 59, tions set out in Form 4 to The Companies Act, save that in any matters covered by Form 4 and not provided for in the Corporation's by-laws and regulations, the regulations and provisions of Form 4 shall apply and be in force but all such matters which after the passing of the Corporation's by-laws and regulations may be left to be governed by Form 4, may be varied, amended, excluded or modified by any by-laws or regulations.

- 8. This Act shall come into force on the day it receives the Commonce-Royal Assent.
- 9. This Act may be cited as The Brockville General Hospital Short title. Act, 1951.



An Act respecting the Township of East York

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

WHEREAS the Corporation of the Township of East Preamble. York by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Notwithstanding subsection 1 of section 53 of Composition The Municipal Act and notwithstanding any other general Rev. Stat., or special Act, the council of the Township of East York c. 243. shall consist of a reeve, a deputy reeve and five councillors, and they shall all be elected by general vote.
- (2) Subsection 1 shall apply to the said council for the Effective year 1952 and for all subsequent years.
- 2. This Act shall come into force on the day it receives Commence-the Royal Assent.
- 3. This Act may be cited as The Township of East York Short title. Act, 1951.



An Act respecting the City of Fort William

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

WHEREAS the Corporation of the City of Fort William Preamble. by its petition has represented that at its annual municipal election on the 4th day of December, 1950, the following questions were submitted to the municipal electors:

(1) "Are you in favour of the Fort William Gardens being administered by a Board of Directors as recommended by the City Council on July 11th, 1950. The composition of the said Board to be as follows:

Two members of the City Council to be appointed annually to the said Board by the Council.

Two resident ratepayers to be appointed by the City Council for a period of three years.

Two resident ratepayers to be appointed by the City Council for a period of two years.

His Worship the Mayor to be an exofficio member of the said Board?"

- (2) "Are you in favour of the Fort William Gardens being administered by a Committee comprised solely of members of the Council of The Corporation of the City of Fort William?"
- (3) "Are you in favour of the Fort William Gardens being administered by a Committee comprised solely of resident ratepayers outside of Council's jurisdiction, to be elected annually at the Municipal Elections?";

and whereas 2,362 voted in the affirmative on question (1) and 456 voted in the negative thereon, and whereas 366 voted in favour of question (2) and 798 voted in the negative thereon, and whereas 1,257 voted in favour of question (3) and 633 voted in the negative thereon, and the vote indicates that the municipal electors desire that Fort William Gardens be operated by a Board of Directors composed as set out in question (1); and whereas the Corporation has prayed that an Act may be passed to provide for the establishment of such a Board and to set out its powers and duties; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent

of the Legislative Assembly of the Province of Ontario, enacts as follows:

Fort William Gardens Board.

1. The operation, control and management of what was described as a skating rink and community centre in The 1946, c. 118. City of Fort William Act, 1946, and since and now known as Fort William Gardens, the grounds appertaining thereto, and the activities in connection therewith, are hereby entrusted to a board of directors which shall be a body corporate, consisting of seven members to be known as "Fort William Gardens Board", hereinafter called the "Board".

Appointments to Board.

- 2.—(1) Commencing with the year 1951, the Board shall be composed of,
 - (a) two members of the City council appointed annually by the council:
 - (b) two resident ratepayers, other than members of the City council or any board or commission acting for or on behalf of the City, appointed by the council for a period of three calendar years;
 - (c) two such resident ratepayers appointed by the council for a period of two calendar years; and
 - (d) the mayor of the City as an ex officio member.

Appointments confirmed.

(2) All appointments of members to the Board made since the 1st day of January, 1951, are hereby confirmed.

Vacancies.

3. Where a vacancy among the appointed members of the Board occurs from any cause, the City council shall immediately appoint a successor and such successor shall hold office during the remainder of his predecessor's term.

Quorum.

4. A majority of the members of the Board shall constitute a quorum.

Remuneramembers.

5. The City council may by by-law fix any salary, remuneration or emolument of the members of the Board.

Officers.

6. The officers of the Board shall consist of a secretary, a treasurer, a chairman and a vice-chairman, and the chairman and vice-chairman shall be members of the Board and shall be elected annually by the members of the Board.

Employees and servants.

7. Every employee and servant of the Board shall hold office during the pleasure of the Board.

Report to council.

8.—(1) The Board shall report every three months to the City council, or earlier if desired by council.

- (2) The two members of council on the Board shall act as Liaison between direct liaison officers between the council and the Board.

 Board Spand
- 9. All accounts incurred by the Board shall be dealt with Accounts of Board. in the same manner as all other departments under the jurisdiction of the City council and shall be subject to audit by the auditors of the City and shall be paid monthly by the City treasurer on recommendation of the Board.
- 10. Profits on the operation of Fort William Gardens, Profits. after adequate provision for operating expenses and depreciation, and after taking care of all principal and interest then owing in respect of debentures in connection with Fort William Gardens, shall be paid to the treasurer of the City and placed to the credit of Fort William Gardens' account and held as a surplus available against any future losses in operation.
- 11. The Board shall not have the power to borrow moneys Borrowing for capital expenditures but may borrow from time to time, by way of promissory notes or otherwise, such sums as it may deem necessary for current expenditures but only upon the approval of the City council expressed by resolution.
- 12. If the operations of the Board result in a deficit Deficits as shown on the annual audit statement, the City council, upon receiving application from the Board and upon being satisfied that such funds are required by the Board, shall include such deficit in the first City budget estimates to be made after receipt of such application.
- 13. The Board shall, in addition to the powers herein Powers of Board under conferred, have the powers conferred on the City council 1946, c. 118. by subsection 3 of section 4 of *The City of Fort William Act*, 1946.
- **14.** This Act shall be deemed to have come into force Commence on the 1st day of January, 1951.
- 15. This Act may be cited as The City of Fort William short title. Act, 1951.



An Act respecting the General Trust of Canada (Trust Général du Canada)

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

THEREAS General Trust of Canada (Trust Général du Preamble Canada), hereinafter called the Company, by its petition has represented that it was incorporated under the name of "Le Crédit Général" by An Act to incorporate Le Crédit général (hereinafter called the Act of Incorporation), being chapter 117 of the Statutes of Quebec, 1909; that the Act of Incorporation was amended by An Act to amend the charter of the General Trust, being chapter 82 of the Statutes of Ouebec, 1910, which amendment provided among other things for the name of the Company to be "Le Crédit Général du Canada" in French and "The General Trust of Canada" in English; that the Act of Incorporation was further amended by An Act to amend the charter of the Crédit Général (General Trust), being chapter 102 of the Statutes of Quebec, 1912, passed in the second year of the reign of His Majesty King George V; that the Act of Incorporation was further amended by An Act to amend the charter of The General Trust of Canada, being chapter 117 of the Statutes of Quebec, 1928, which amendment provided among other things for the name of the Company to be "General Trust of Canada" in English and "Trust Général du Canada" in French; and that its present authorized capital is \$2,005,000 divided into 20,000 preferred shares with a par value of \$100 per share, of which 11,000 shares have been subscribed for, allotted and issued and the subscription price thereof, namely, \$1,100,000 has been paid in full, and 1,000 common shares with a par value of \$5 per share, all of which common shares have been subscribed for, allotted and issued and the subscription price thereof, namely, \$5,000 has been paid in full; and whereas the Company has prayed that an Act be passed authorizing it to transact the business of a trust company in Ontario in conformity to the public general law thereof; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows: Registration under Rev. Stat., c. 214.

1. Upon giving security to the satisfaction of the Lieutenant-Governor in Council in a sum of not less than \$200,000, the Company may, upon filing with the Registrar appointed under *The Loan and Trust Corporations Act* a power of attorney as required by section 116 of that Act, be admissible to registry under that Act, and upon being so registered shall be authorized and empowered to carry on and exercise in Ontario the business of a trust company with those of the powers set forth in that Act which are within the capacity of the Company

Further security.

2. The Lieutenant-Governor in Council may at any time or from time to time require an increase in the amount of such security by a notice in writing to the manager or secretary of the chief agency of the Company in Ontario; and if the Company fails to furnish such increased security within two months after such notice, then and thereupon the Company shall, *ipso facto*, become disentitled and shall cease to do further business in Ontario.

Chief agency in Ontario.

3. The chief agency of the Company for Ontario shall be in the City of Ottawa and the Company shall keep at that chief agency a manager and secretary who, as well as all other officers at the said agency or in Ontario, shall in respect of all business transacted by the Company in Ontario be absolutely subject to the control of the courts of Ontario as fully as if the head office of the Company were within Ontario, and as if the Company were wholly managed and controlled therein.

Investments.

4. All the investments of the Company in respect of all trust business entrusted to it in Ontario shall (subject to the provisions as to investments contained in the deed, will or other instrument of trust, and subject to the direction, if any, of the Supreme Court or of any judge thereof) be wholly invested at one or other of the agencies of the Company in Ontario; and the trust securities representing such investments from time to time shall be held and retained at all times at one or other of such agencies and under the control of the courts of Ontario, and shall (subject to the provisions of the said instruments of trust) be securities in which trustees or trust companies are, by the law of Ontario, authorized to invest trust funds.

Extent of powers.

Rev. Stat., c. 214. 5. The Company shall be limited, in respect of all business relating to property and civil rights or provincial objects in Ontario, to the powers mentioned in *The Loan and Trust Corporations Act*, and shall be subject to the general provisions of that Act and to the general public law of Ontario relating to trust companies and trusts.

Separate accounts.

6. Subject to section 76 of *The Loan and Trust Corporations Act*, the moneys and securities of each trust shall always be

kept distinct from those of the Company and in separate accounts, and so marked in the books of the Company for each particular trust as always to be distinguished from any other in the registers and other books of account kept by the Company and at no time shall trust moneys form part of or be mixed with the general assets of the Company.

- **7.** Moneys, properties and securities received or held by Trust the Company upon trust or as agent of any person or corporation shall not be liable for the debts or obligations of the Company.
- 8. In the case of the appointment of the Company to any Jurisdiction of courts trust or office by any court or judge in Ontario, such court or and judges judge may at any time and from time to time require the Company to render an account of its administration of the particular trust or office to which the Company has been so appointed and a judge of the Supreme Court may also at any time and from time to time appoint a suitable person to investigate the affairs and management of the Company, and as to the security offered to those by or for whom its engagements are held, and such person shall make his report to such court or judge and the costs and expenses of such investigation shall be borne as ordered by such court or judge.
- **9.** Nothing in this Act shall be deemed to authorize the Proviso. Company to commence business in Ontario until it has been registered as required by the provisions of *The Loan and Trust* c. 214. *Corporations Act* nor to continue except when so registered.
- 10. This Act shall come into force on the day it receives the Commence-Royal Assent.
- 11. This Act may be cited as The General Trust of Canada Short title. Act, 1951.



An Act to incorporate The Greater Niagara General Hospital

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HEREAS the Greater Niagara General Hospital Trust Preamble. by its petition has represented that the Trust was incorporated by The Niagara Falls General Hospital Trust 1933, c. 89: Act, 1933, as amended by The Greater Niagara General Hospital Trust Act, 1948, and that it is desirable to repeal the said Acts, to create a corporation under the name of "The Greater Niagara General Hospital", to provide for the method of selection of the governing body of the corporation, to set out the objects and purposes of the corporation and to define its powers, to vest all properties real and personal and the undertaking and assets owned, held, possessed or enjoyed by the Greater Niagara General Hospital Trust, subject to all obligations, debts, mortgages, charges and liabilities in any way affecting the same or any part thereof or in any way due or owing by or from the said existing Trust, in The Greater Niagara General Hospital; and whereas the petitioner has prayed that an Act be passed for such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Arthur Stuart Robertson, John Patrick Matthews, The Greater Niagara Theodore Smith, James Barr, Aubrey Wray, Laura Teckoe, General Ruth Grieves, Bertha Fielding, Albert Frank, William Donald Hospital. Bracken, Henry Arnold Haigh, Ernest Myron Hawkins, Arthur G. Bridge, George Bukator and Richard Street Duggan, being all the present Trustees of the Greater Niagara General Hospital Trust, are hereby constituted and shall be a corporation under the name of "The Greater Niagara General Hospital", herein called the corporation, for the purposes and with the powers herein mentioned.

2. Within seven days after the day this Act comes into First force, the persons hereinbefore named shall hold a meeting meeting. at which the persons selected in the manner set forth in section 3 shall be installed as successors to the hereinbeforenamed persons who shall thereupon resign.

Constitution

3. The persons constituting the corporation shall be the corporation. following: one representative from each of the municipal councils of the City of Niagara Falls, the Village of Chippawa, the Township of Stamford and the County of Welland, such representatives to be members of their respective councils; one representative of the Province of Ontario; one representative of the Hospital Medical Staff; one representative of the Women's Hospital Auxiliary; nine members elected by The Greater Niagara General Hospital Association: three members appointed by those members already selected as provided by this section.

Terms of office.

- **4.** The terms of office of these members shall be as follows:
 - (a) The representatives of the said municipal councils, the Province of Ontario, the Hospital Medical Staff and the Women's Hospital Auxiliary shall hold office for a term of one year.
 - (b) Of the nine members first elected by The Greater Niagara General Hospital Association, the three persons receiving the greatest number of votes shall hold office for a term of three years, the three persons receiving the next greatest number of votes shall hold office for a term of two years, and the remaining three persons shall hold office for a term of one year, at which time and annually thereafter, three members shall be elected to hold office for a term of three years. No such member shall hold office for more than two consecutive terms of three years each, provided that such a member may be re-elected after a lapse of one year.
 - (c) The three members appointed by those members otherwise chosen shall hold office for a term of three vears.

Board of Governors.

5. The persons elected and appointed as above set forth and their successors shall constitute the Board of Governors of the corporation, hereinafter called the board.

Vacancies.

6. Upon a vacancy occurring by death, resignation or otherwise in the office of any of the board, other than those appointed by the four municipal councils, the Province of Ontario, the Hospital Medical Staff and the Women's Hospital Auxiliary, his successor shall be appointed by the board.

- 7. The board may, by resolution passed by a two-thirds Idem. vote of the members present at a meeting duly called for that purpose, declare the seat of any member, other than those members appointed by the four municipal councils, the Province of Ontario, the Hospital Medical Staff and the Women's Hospital Auxiliary, to be vacant.
- 8.—(1) The membership of The Greater Niagara General Association. Hospital Association shall be composed of such clubs, lodges or other bodies as purchase a club membership in the said Association together with such individual members who purchase an individual membership in the said Association, the cost of such membership to be set by the board.
- (2) Each of such memberships shall have one vote but only Voting. the holder of an individual membership shall be eligible for election to the board.
- **9.** The board shall appoint annually, and at its first meeting Officers. in each year, one of its number to be president, who shall hold office for one year and until his successor is appointed. and may, from time to time, appoint one of its number to be vice-president, who shall, in the absence of the president, or in case his office is vacant, act in his place, and may also appoint one of its number to be secretary-treasurer.
- 10. The services of the members of the board shall be Remuneragiven without remuneration, except for actual disbursements incurred in the affairs of the corporation and approved by the board.
- 11.—(1) All real and personal properties and the under-Vesting of taking and assets owned, held, possessed or enjoyed by the in said existing Greater Niagara General Hospital Trust, including the lands described in the Schedule to this Act, are hereby vested in the corporation for its purposes, without the necessity of any other grant, conveyance, transfer, assignment, or vesting thereof, but subject to the provisions of this Act and all obligations, debts, mortgages, charges and liabilities in any way affecting the same or any part thereof or in any way due or owing by or from the said existing Trust as now in operation or constituted.

(2) All trusts, gifts, devises and bequests hereafter made to Future or in favour of or intended for Greater Niagara General Hospital Trust shall be held and enjoyed by the corporation.

12. The corporation shall have full power to continue and Powers to carry on the hospital now established and being carried on hospitals. upon the lands mentioned in the Schedule hereto and to carry on other hospitals and other similar institutions and under-

takings and to do all things necessary, incidental or usual thereto, or in connection therewith, and to acquire any land for such purposes.

Purposes of corporation.

13. The purposes of the corporation, so far as it may be possible, shall be to carry on the said hospital and all other hospitals, sanatoria or other similar institutions which it may establish, undertake or carry on in perpetuity for the benefit and advantage of the inhabitants of the City of Niagara Falls, the Township of Stamford and the Village of Chippawa.

Donations and gifts to corporation.

14. For the purposes of the corporation, the board may in its discretion, receive or take in the name of the corporation, from any person or body corporate, by grant, gift, devise or otherwise, any land or interest in land or any goods, chattels or effects for the use, support or purposes of the corporation, and without licence in mortmain, and in their discretion may sell or dispose of same.

Sale of property of corporation.

15. The board may, from time to time, sell and dispose of any of the real and personal properties of the corporation which no longer may be necessary for its purposes; provided that the proceeds derived from any such sale or disposal shall be held and applied for the purposes of the corporation.

Borrowing] power.

16. The board may, by by-law passed by a two-thirds vote of the members present at a meeting duly called for that purpose, borrow money from time to time for the purposes of the corporation, such sums as may, in their opinion, be required for such purposes and may charge, hypothecate, mortgage or pledge any or all of the real and personal property and assets of the corporation to secure any money so borrowed or any debt or liability of the corporation, and may execute mortgages or any other form of security for such moneys as may be borrowed or owing.

Investments. Rev. Stat., c. 400.

17. The board may invest in such securities as are provided for in *The Trustee Act* all moneys that may at any time come into its hands for the use and support of the corporation, or may deposit the same in any chartered bank.

Authority of board.

18. The powers of the corporation shall be vested in and exercised by the board, and without restricting the generality of the foregoing, the board shall appoint such officers, superintendents, matrons, medical and surgical staff, nurses, employees, servants and agents, as it may from time to time require, or deem necessary, and shall have the control, management, government and disposition of the hospital, institutions and other properties and work established or carried on by the corporation, and subject to the provisions of this Act, of all its properties, endowments, funds, assets, income,

revenue and expenditures, and the board shall have power to pass by-laws, resolutions, rules and regulations touching or respecting any and all the said powers and matters and fixing the salaries, wages, fees and emoluments of all persons appointed by or under the jurisdiction of the board and also in respect of all matters pertaining to the business, meetings and transactions of the board, and for fixing the quorum necessary for its meetings, and the board may act by such committees of or appointed by the board as it may deem proper to appoint.

19. The superintendent of the hospital, and such other of Authority its officers to whom the board may from time to time delegate tendent, etc. the power, may, subject to the approval of the board, make regulations for the direction of the nurses, employees and servants in regard to their duties and for the conduct and discipline of all patients at or in the hospital or other institutions, and of all visitors thereto, and for the internal conduct and management thereof.

20. No real property or interest therein vested in the Property corporation and used for its purposes shall be liable to be expropriaentered upon, used or taken by any municipal or other tion. corporation or by any person possessing the right of taking lands compulsorily for any purpose whatsoever; and no power to expropriate real property hereafter conferred on any such corporation or person shall extend to any such real property or interest unless in the Act conferring the power it is made in express terms to apply to such real property; provided that this section shall not apply to any land of the corporation which is required for the purpose of widening or extending any highway.

21. Without limiting the general powers hereinbefore con-Affiliation ferred, but subject to *The Nurses Act*, the corporation may with training affiliate with any established training school for nurses for the erection of residences. training of any nurses in the employ of the board and the board Rev. Stat., may erect, equip and maintain residences for nurses, superintendents, resident physicians and surgeons of the corporation or other institutions of the corporation, and also all other buildings which may be requisite, upon such sites as the board may deem proper.

22. Subject to The Nurses Act, the board may estab-Establishlish and maintain in connection with the hospital, a training ment of training school for nurses whereby nurses may receive a thorough home for training and be given a diploma upon completing the curri-nurses. culum and passing the medical and nursing examinations required, and may also establish and maintain a home for nurses whereby nurses who have been properly trained may be supplied to private families in the City of Niagara Falls or elsewhere.

Admission of patients, rates, etc. Rev. Stat., c. 307.

23. Subject to *The Public Hospitals Act*, the board may admit patients at such rates as may from time to time be prescribed by the board and in respect of all patients the board may by by-law or resolution make such regulations and impose such restrictions as to the board may seem proper.

1933, c. 89; 1948, c. 109 repealed. **24.** The Niagara Falls General Hospital Trust Act, 1933 and The Greater Niagara General Hospital Trust Act, 1948 are repealed.

Commencement. **25.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

26. This Act may be cited as The Greater Niagara General Hospital Act, 1951.

SCHEDULE

The lands registered in the name of the Niagara Falls General Hospital Trust by deed dated the 30th day of December, 1904, and registered in the Registry Office for the Registry Division of the County of Welland, on the 8th day of February, 1905, as No. 766, for the City of Niagara Falls. The said lands are described as follows: In the City (formerly the Town) of Niagara Falls, in the County of Welland, and being composed of Lots Numbers Fifty-five to Sixty-five inclusive, and Lots Numbers Seventy-three to Eighty-three inclusive, according to Plan No. 33, registered for the Town of Niagara Falls, together with the lane or alleyway described as follows: Commencing at the north-west angle of said Lot No. 65; thence southerly in a straight line to the south-west angle of said Lot No. 83; thence northerly in a straight line to the north-east angle of said Lot No. 75; thence easterly along Jepson Street to the place of beginning, all according to a map or plan made for the Niagara Falls Land Company, Limited, registered in the Registry Office for the County of Welland, as No. 33.

An Act respecting the City of Hamilton

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

WHEREAS the Corporation of the City of Hamilton Preamble. by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subject to the approval of the Ontario Municipal By-laws re, Board, the council of the Corporation of the City of Hamilton may pass by-laws,
 - (a) for amending and revising from time to time By-law revising No. 4797 To Regulate the Erection and Provide for building regulations; the Safety of Buildings, and By-law No. 4798 Respecting Conditions Which May Be or Become Injurious to Health, both of which by-laws were passed on the 29th day of September, 1936, and which, as amended respectively by By-laws Nos. 4866 and 4867 passed on the 26th day of October, 1937, and as confirmed by By-law No. 4868 passed on the 26th day of October, 1937, were validated by Ontario Municipal Board Order No. P.F. A-6698 & (a). dated the 20th day of October, 1937, pursuant to the provisions of The City of Hamilton Act, 1937; 1937, c. 91. always provided, that no requirement of any such by-law shall be so construed as to contravene or suspend any requirement of any applicable provincial Act or regulation;
 - (b) for regulating, in any such amending or revising regulating of said By-law No. 4797, all matters relating to the etc. for design, erection, alteration, demolition, removal, of unsafe maintenance and use of buildings and structures, and of and the use of land, and the design, construction, smoke, etc.; installation, alteration, maintenance and use of all equipment, facilities, matters and things, for the better protection of persons and property from

unsafe conditions as regards danger from fire or risk of accident, and also for the better protection of persons and property from nuisances as regards the emission or escape to the open air from any fuel-burning or refuse-burning equipment of smoke, soot, dust, fly-ash, fumes or other products of combustion;

regulating construction, etc., for protection of health;

(c) for regulating, in any such amending or revising of said By-law No. 4798, all matters relating to the design, erection, alteration, demolition, removal, maintenance and use of buildings and structures, and the use of land, and the design, construction, installation, alteration, maintenance and use of all equipment, facilities, matters and things, for the better protection of persons from conditions that may be or become injurious to health;

checking of plans by F.P.O.:

(d) for providing that the Chief Fire Prevention Officer shall check, at the offices of the Building Commissioner, applications for building permits or occupancy permits, together with all plans, specifications and other material filed therewith:

Provided that this provision shall not apply to applications for permits,

- (i) for the erection of a one-family dwelling or two-family dwelling, or for any work in connection therewith,
- (ii) for the erection of a one-storey building the proposed use of which is not one which is hazardous within the meaning of any such by-law, or
- (iii) for any other work as may be specified in any such by-law;

communicating objections to Building Commissioner.

- (e) for providing that the Building Commissioner shall remain responsible for plan-examining with respect to the requirements provided for all construction and installation in every such by-law, and for the issue of building permits and occupancy permits, but that whenever the Chief Fire Prevention Officer, upon checking applications for building permits or occupancy permits, and the plans and other material filed therewith, is of opinion that,
 - (i) the use or uses to which the whole or part or parts of the premises are to be put, or

- (ii) the proposed means of egress, or
- (iii) the proposed standpipe or standpipes, sprinkler system or other fire-fighting equipment, or
- (iv) the proposed smoke-pipes or other heating or fuel-burning equipment, or
- (v) any other matter or thing as it may be his duty to check, under the specific provisions of the by-law.

would, if the permit were issued, be likely to result in an unsafe condition as regards danger from fire, for the abatement of which he may be authorized to issue orders pursuant to the provisions of any such by-law or of other applicable legislation, then the Chief Fire Prevention Officer may communicate his views in writing to the Building Commissioner;

- (f) for authorizing the Chief Fire Prevention Officer, powers of Chief Fire instead of the Building Commissioner as formerly, to Prevention exercise all the powers provided in said By-law No. order abatement of fire 4797 and in amendments and revisions thereof, for hazards; the abatement of unsafe conditions as regards danger from fire, whether by requiring the installation or erection of fire escapes or other work of construction, the installing of fire extinguishers or other equipment, the removal of combustible debris, the prevention of overcrowding, or the abatement of any other unsafe conditions as regards danger from fire, but always reserving to the Building Commissioner the exercise of all powers provided for the abatement of unsafe conditions as regards risk of accident other than danger from fire, whether by reason of lack of sufficient strength of walls or floors, the overloading of floors or otherwise, and similarly reserving to the Building Commissioner the duty and power of enforcement of all provisions of said By-laws Nos. 4797 and 4798 and amendments or revisions thereof, relating to construction, and all his other duties and powers under said by-laws save as varied by this Act;
- (g) for providing that any order, decision, notice or substituother communication of the Building Commissioner, service of Chief Fire Prevention Officer or Medical Officer of notices, etc.; Health, authorized by By-law No. 4797 or By-law No. 4798, or by any other such by-law as mentioned in this section, may, when the person to whom the same is addressed does not reside within the City of Hamilton or cannot by reasonable diligence be found

for the purpose of making personal service upon him, be served, either by serving a true copy thereof upon any grown-up person on the premises to which such order, notice or other communication relates, or by posting the same up in a conspicuous place on the premises, and, in addition to either of the foregoing, sending a true copy thereof to such person by registered mail, addressed to him at his last known address according to the last revised assessment roll, or, if not on the last revised assessment roll, then at General Delivery, Hamilton; and whenever any such communication is addressed to the occupier, a copy shall be served upon or sent to the owner also in the manner hereinbefore provided;

permitting minor deviations;

(h) for authorizing the Building Commissioner to permit in special cases, such minor deviations from the requirements of any such by-law as may in his judgment be warranted, provided the general purpose of the by-law is preserved;

And provided further, that no such minor deviation shall be permitted without the consent in writing of the Medical Officer of Health in the case of requirements relating to matters of health, or without the consent in writing of the Chief Fire Prevention Officer in the case of requirements relating to unsafe conditions as regards danger from fire, or without the consent in writing of the Chief Smoke Inspector in the case of requirements involving the question of abatement of the emission or escape to the open air of smoke, dust, fly-ash or other products of combustion;

delegation of duties;

(i) for authorizing the Building Commissioner, Chief Fire Prevention Officer and Medical Officer of Health to delegate such of his duties and powers to such of his assistants or inspectors as from time to time may be necessary or desirable;

persons liable; (j) for providing that every person, who shall cause, permit or suffer any violation of any such by-law, or of any lawful order of the Building Commissioner, Chief Fire Prevention Officer or Medical Officer of Health pursuant to any such by-law, either as owner, occupier, manager, superintendent, agent, installer, mechanic, repairman, janitor or otherwise, shall be severally liable upon conviction to the penalties provided for breaches of any such by-law;

- (k) for providing that every day of default of compliance each day of with any provision of any such by-law or with any separate offence; such lawful order shall constitute a separate offence;
- (l) for providing, wherever an owner, occupier or other powers upon person, is convicted for failure to comply with any compliance; lawful order of the Building Commissioner or the Chief Fire Prevention Officer, that the Building Commissioner or Chief Fire Prevention Officer, as the case may be, may, on order of a court or justice as provided in subsection 4,
 - (i) enter upon the premises and take such steps as may be necessary to make the building or structure in question sufficiently safe, or to make safe any unsafe condition, or
 - (ii) enter upon the premises, and, when in his opinion such action is warranted, pull down any building or structure or part thereof which, by reason of its ruinous or dilapidated state, faulty construction or otherwise, is in an unsafe condition as regards danger from fire or risk of accident,

and for providing that the amount of cost and expenses of any such work done or caused to be done by the Building Commissioner or the Chief Fire Prevention Officer shall be entered on the tax collector's roll and collected in like manner as municipal taxes are collected;

(m) for appointing a Committee of Safety to advise and Committee assist the City Council and the Building Commissioner with respect to the requirements or proposed requirements of any such by-law, with a view to prevent, so far as may be both practicable and reasonable, the creation of unsafe conditions as regards danger from fire or risk of accident, and for authorizing the Committee of Safety to hear and determine appeals from orders or decisions of the appeals to Committee; Building Commissioner for the abatement of unsafe conditions as regards risk of accident, and from decisions of the Building Commissioner or Chief Fire Prevention Officer to refuse to permit minor deviations from the requirements of the by-law, and to perform such other duties as may be specified for the better carrying out of any such by-law relating to any of the matters mentioned in this section, and for prescribing the qualifications, manner of

appointment, and term of office of members of the Committee of Safety, the number constituting a quorum, and the procedure on appeals;

Provided that all such appeals shall be only from orders issued under any discretionary authority, and that there shall be no right of appeal from any order which does not require any work of construction, installation, demolition or removal of any building, structure, equipment or part thereof;

fees on appeal;

(n) for charging and fixing the amount of the fees to be paid upon the filing of a notice of appeal to the Committee of Safety from any order or decision as aforesaid, without the payment of which fees no appointment for the hearing of any such appeal need be given;

appeal to county judge;

- Rev. Stat., c. 140.
- (o) for providing for appeals from orders or decisions of the Committee of Safety to a county judge, in a manner similar to that found in those provisions of The Fire Marshals Act respecting appeals to a county judge; and

appeals from orders of F.P.O.

(p) for providing that all orders issued under any discretionary authority of the Chief Fire Prevention Officer for the abatement of unsafe conditions as regards danger from fire other than orders for the removable of combustible debris or other orders which do not require any work of construction, installation, demolition or removal of any building, structure, equipment or part thereof, may be appealed to the Ontario Fire Marshal, and from the decision of the Ontario Fire Marshal to the judge of the county court of the County of Wentworth, in the same manner as provided for by *The Fire Marshals Act* with respect to appeals from orders of an assistant to the Ontario Fire Marshal.

Interpretation. Rev. Stat., (2) For the purposes of this section, "owner" and "occupier" have the meanings provided in *The Public Health Act*.

Certified copies— evidence.

c. 306.

(3) A copy of any decision or order of the Committee of Safety purporting to be certified by the chairman or acting chairman as a true copy shall be received in evidence without proof of signature.

Penalties.

(4) Every person who contravenes any provision of any such by-law or fails to comply with any lawful order of the Building Commissioner, Chief Fire Prevention Officer or

Medical Officer of Health shall be liable, upon conviction, to a penalty of not more than \$50 for each offence, which penalties shall be recoverable under The Summary Convictions Act, Rev. Stat., c. 379. and, in addition, wherever any such offence consists of failure by an owner or occupier of premises to comply with the requirements of any such by-law or of any such lawful order with respect to the premises of which he is the owner or occupier, the court or justice may order the premises closed until there is compliance with the requirements of the by-law or of any such lawful order, or may order that the work may be done at the expense of the owner or occupier as provided in clause l of subsection 1.

- (5) Whenever any by-law, decision or order herein referred Restraint by to is contravened, in addition to any penalty imposed, such contravention may be restrained by action at the instance of the Corporation.
- 2.—(1) The council of the Corporation of the City of By-laws re, Hamilton may pass by-laws.
 - (a) for inspecting upon completion, all work of erection, inspection of installation, alteration or repair of all fuel-burning equipment; equipment for which a building permit has been issued pursuant to any by-law regulating the erection and providing for the safety of buildings, and for the issuing of an operation permit certifying that the work operation complies with requirements, without which operation permit no such fuel-burning equipment shall be operated, save as hereinafter otherwise provided in this section:
 - (b) for prohibiting, save as hereinafter otherwise pro-prohibition vided in this section, the operation of any fuel-operation burning equipment for which no operation permit; has been issued, or with respect to which the operation permit has been revoked, and, for the purpose of this provision, an operation permit shall be deemed to have been issued for all fuel-burning equipment that was in operation upon or prior to the date of the coming into effect of the by-law;
 - (c) for regulating and controlling the emission or escape prohibiting to the open air of smoke and other gaseous or solid smoke, etc.; products of combustion from all furnaces, boilers, incinerators, refuse-burning equipment, tar-kettles, power shovels, internal combustion engines and all other fuel-burning equipment and open fires, and for prohibiting, except to such a degree and for such period or periods of time as the by-law may provide,

the emission or escape to the open air of smoke and of other gaseous or solid products of combustion, and for prohibiting air pollution or the deposit of dust, fly-ash, cinders, soot or other products of combustion in a manner or to an extent or degree that may be or become injurious to the health, comfort, real or personal property, or to the general welfare of the residents of the City of Hamilton or any of them, and for prohibiting such or suchlike nuisances of a similar nature as may be specifically provided in any such by-law, and for defining the words "air pollution", "cinders", "density", "dust", "fly-ash", "fumes", "good practice", "nuisance", "occupier", "owner", "smoke" and "soot";

Smoke Inspector, powers; (d) for appointing a Chief Smoke Inspector to administer the provisions of any such by-law, and for authorizing him and his assistants to enter at all reasonable times upon any property in order to ascertain whether any such by-law is being complied with, and for authorizing him to prosecute breaches of such provisions and to take any other proceedings for their enforcement as may be lawfully authorized, and for authorizing him to require the making of such tests of, or alterations in the manner of operating, any fuel-burning equipment, or, with the approval of an Advisory Committee as hereinafter provided for, to require the alteration of any fuelburning equipment or the installation in connection therewith of such dust-separating equipment, smoke indicators or other devices, facilities or equipment as may in his opinion be required for the purpose of abating the emission or escape of smoke or other gaseous or solid products of combustion, or of recording its degree of density:

permitting minor deviations;

(e) for authorizing the Chief Smoke Inspector to permit in his discretion, minor deviations from the requirements of any such by-law or other by-law regulating the installation, alteration or repair of fuel-burning equipment, so far as regards the abatement of smoke or other products of combustion, so long as the general purpose of the by-law is preserved, and for authorizing him to delegate to any assistant from time to time, such of his duties and powers as may be necessary or desirable:

delegation of powers;

(f) for authorizing the Chief Smoke Inspector to take any measures or proceedings under any such by-law, with respect to any condition arising less than half a mile outside the City of Hamilton, which would be a contravention of the by-law if within the City, with

nuisances arising outside the city; the same incidents and consequences as if the same occurred wholly within the City of Hamilton, provided that the Advisory Committee is of opinion that such condition is of concern to the residents of the City of Hamilton or any of them, and gives its approval to the taking of such measures or proceedings;

- (g) for providing that whenever any building or structure nuisances is erected that adversely affects the draft of a account of previously-erected stack or chimney to such an building: extent as to prevent its efficient functioning, or as to create a nuisance, or whenever the emissions from such stack or chimney constitute a nuisance to the occupants of any such subsequently-erected building or structure such condition shall be corrected, either by increasing the height of such stack or chimney, or otherwise by executing such works and doing such things as may be necessary for the purpose, and that such works shall be done by the owner of the stack or chimney, and that the cost and expenses of so doing, to the extent necessary for the purpose, may be recovered by him in any court of competent iurisdiction, as a debt due and payable by the owner of such aforesaid building or structure;
- (h) for requiring persons engaged in the selling or dealers to leasing of any equipment mentioned in this section, to report particulars to the Building Commissioner within ten days after every such sale or lease;
- (i) for providing that every person, who shall cause, persons permit or suffer any violation of any such by-law, or of any lawful order of the Chief Smoke Inspector, either as owner, occupier, manager, superintendent, engineer, agent, installer, mechanic, fireman, repairman, janitor or otherwise, shall be severally liable upon conviction, to the penalties provided for breaches of the by-law;
- (j) for appointing an Advisory Committee to advise Advisory and assist the Chief Smoke Inspector and the city appeals to; council in matters concerning the abatement of the emission or escape of smoke and other gaseous or solid products of combustion, and to hear and determine appeals from orders or decisions of the Chief Smoke Inspector, including refusals to permit minor deviations from requirements, and to perform such other duties as may be specified for the better carrying out of the provisions of any such by-law, and for prescribing the qualifications, manner of

appointment and term of office of members of the Committee, the number constituting a quorum, and the procedure on appeals;

fees on appeal;

(k) for charging and fixing the amount of the fees to be paid upon the filing of a notice of appealing to the Advisory Committee from any order or decision of the Chief Smoke Inspector, without the payment of which fees no appointment for the hearing of any such appeal need be given;

appeals to county judge;

(l) for providing for appeals in certain circumstances from orders or decisions of the Advisory Committee to a county judge, in a manner similar to that found in those provisions of *The Fire Marshals Act* respecting appeals to a county judge;

Rev. Stat., c. 140.

(m) for imposing penalties for non-compliance with any provision of any such by-law or with any lawful order of the Chief Smoke Inspector, and for providing that every day of default of compliance with any provision of any such by-law or with any such lawful order shall constitute a separate offence, and that all such penalties shall be recoverable under The Summary Convictions Act.

Rev. Stat., c. 379.

Evidence.

(2) A copy of any decision or order of the Advisory Committee purporting to be certified by the chairman or acting chairman as a true copy shall be received in evidence without proof of signature, and every smoke chart or smoke comparator provided for measuring density shall also be deemed in evidence to conform to the specifications provided in any such by-law, unless the contrary is shown, and the readings from every smoke indicator installed pursuant to the provisions of any such by-law shall also be received as *prima facie* evidence of facts recorded.

Restraint by action.

(3) Whenever any by-law, decision or order herein referred to is contravened, in addition to any penalty imposed, such contravention may be restrained by action at the instance of the Corporation.

Exemptions for domestic equipment, etc.

(4) Those provisions of any such by-law as may be passed in exercise of any authority contained in clause a, b or f of subsection 1 shall not apply to any fuel-burning equipment for the service of a one, two or three-family dwelling only, or for similar purposes in commercial establishments of approximately similar size.

Further exemptions.

(5) Subject to subsections 6 to 10, no by-law passed under this section shall apply to any apparatus, device, mechanism

or structures referred to in this section on premises which, on the day upon which this Act comes into force, are used for the reduction, refining or smelting of ores or minerals or the manufacturing of cement, brick or tiles, so long as the premises continue to be used for such purposes.

- (6) The council may serve by registered mail upon any Notice. person exempt by subsection 5 from the provisions of a by-law passed under this section a notice of intention to make such person subject to the provisions of such a by-law upon such terms and conditions as are set out in the notice.
- (7) Unless within thirty days of the mailing of such notice Time limit the person affected by the notice files with the clerk of the for objections, municipality a statement of objections, such person shall be subject to any such by-law to the extent set out in the notice.
- (8) Upon service of a statement of objections upon the $_{\text{Hearing}}$. clerk of the municipality within the said thirty days, the council shall itself or by committee or by the Advisory Committee referred to in clause k of subsection 1, hold a hearing and shall serve a copy of the decision reached upon the person affected and unless that person appeals in accordance with subsection 9, he shall be subject to the by-law to the extent set out in such decision.
- (9) Within thirty days of the service of a decision under Appeal. subsection 8, the persons affected may serve notice of appeal to the Ontario Municipal Board on the clerk of the municipality and the secretary of the Board, and the Board shall hear the appeal and may dismiss the appeal or make an order that the person affected shall not be subject to the by-law or shall be subject to the by-law to the extent set out in the order.
- (10) The hearing of the appeal shall be a hearing de novo, Municipal and the order of the Board shall be final and binding upon the Board order person affected and the municipality.
- 3.—(1) Subject to the approval of the Ontario Municipal Building Board, the council of the Corporation of the City of Hamilton may pass by-laws, as a preliminary step to the widening of any highway or part thereof, for prescribing the distance from the limits thereof, within which no building or structure or part thereof may be erected, and for prohibiting the erection of any building or structure or part thereof closer to the limit of such highway or part thereof than the distance fixed by the by-law, and for the purposes of this section the word "highway" includes a "street" as defined in The Rev. Stat... Local Improvement Act.

Distance from street.

(2) The building line fixed by any by-law passed under this section shall not be distant more than twenty feet from the limits of the street or highway;

Rev. Stat., c. 277. Provided, that wherever any by-law passed under this section is a preliminary step to the widening of a street or highway in accordance with an official plan within the meaning of *The Planning Act*, or whenever it is necessary or advisable in the interests of the appearance or utility of any street or highway, the Municipal Board may authorize the fixing of the building line or any part or parts of it, at a distance of more than twenty feet from the limits of the street or highway, and such distance need not be a uniform distance from such limits;

And provided further, that wherever the distance from the street or highway of any such building line is not uniform, a plan or plans prepared by an Ontario land surveyor showing the position of the building line in relation to the limits of the street or highway abutting upon the various lots or parcels of land affected, shall be attached to the by-law and registered in the registry office for the Registry Division of Wentworth, and a notation shall be entered by the registrar in the abstract of every lot or parcel of land affected;

And provided further, that a copy of the pertinent plan or portion thereof, showing to what extent the owner's lands are affected, is sent by registered mail within ten days after the approval of the by-law by the Ontario Municipal Board, to the owners of all lots and parcels of land affected, addressed to such owners at their addresses according to the last revised assessment roll.

Leave of Board required.

(3) A by-law passed under this section shall not be amended or repealed except by leave of said Board and upon such terms as the Board may determine.

Exception, one-storey buildings.

(4) A by-law passed under this section shall not take effect until it is approved by the Ontario Municipal Board, and when so approved shall not prevent the erection closer to the highway than the distance fixed by the by-law, of a one-storey building of such temporary character, in conformity with existing building and zoning by-laws, as may be reasonable.

Compulsory street widening.

(5) After such a by-law has been passed and approved by the Ontario Municipal Board, it shall be the duty of the Corporation to acquire or expropriate the land on that side of the street or highway lying between the limit thereof and the building line fixed by the by-law in any portion of such street or highway lying between two intersecting streets,

- (a) when three-fourths of the land fronting and abutting on such portion has become occupied by buildings built to conform to the building line fixed by the by-law; or
- (b) at any time after the expiration of ten years from the date of the by-law upon petition in writing of the majority of the owners of property affected by the by-law in any such portion.
- (6) Where any owner of land clears that part thereof Compensalying between the limit of the street or highway and the land cleared. building line fixed by the by-law and offers to convey such part to the Corporation, the Corporation shall accept such conveyance and shall be liable for compensation to the owner or the persons entitled thereto to the same extent as if the by-law had been passed to widen the street or highway.
- (7) In determining the compensation payable by the Limitation of Corporation for the taking of lands for the widening of a compensation. portion of a street or highway in respect to which a building line has been fixed under this section, the Corporation shall not be liable to pay compensation for or in respect to any building erected in contravention of the by-law fixing the building line.
- (8) Notwithstanding anything to the contrary in any other $_{\rm for\ damages}^{\rm No\ claims}$ Act, and except as provided in subsection 6, the Corporation $_{\rm etc.}^{\rm No\ claims}$ shall not be liable to pay any compensation or damages by reason of having passed a by-law under this section.
- 4. Subject to the approval of the Ontario Municipal Board To require off-street and the provisions of section 390 of The Municipal Act, the parking facilities. council of the Corporation of the City of Hamilton may pass Rev. Stat., by-laws for requiring the owners or occupants of buildings of 243. or structures to be erected or used for any purpose named in the by-law, to provide and maintain parking facilities on land that is not part of a highway, in addition to the other powers already contained in said section 390.
- 5. The council of the Corporation of the City of Hamilton By-laws re, may pass by-laws,
 - (a) for providing that all moneys received from the establishing use of parking meters and all fines recovered for Fund"; parking offences shall be credited to a special fund which may be known and referred to as the "Parking Fund";

expenses to be charged against Fund;

(b) for providing that the cost and expenses of purchasing and maintaining parking meters shall be paid out of the Parking Fund, including salaries of employees and police constables to the extent that their time may be chargeable to collection of such fines and otherwise in connection with the enforcement of such by-law provisions relating to parking, as may from time to time be approved by the city council;

improving parking facilities;

(c) for providing that all moneys remaining in the Parking Fund shall be used only for the regulation of traffic and the improvement of traffic conditions and parking facilities, including the purchase of lands for use as parking lots either under lease from the Corporation or operated by the Corporation as the council may from time to time decide; and

operating parking lots, etc.

(d) for acquiring lands by lease or purchase, or by expropriation proceedings or otherwise, for the purpose of parking lots or parking stations, and for operating parking lots or parking stations, or for leasing to other persons any lands of the Corporation for such purpose, upon such terms as the council with the approval of the Department of Highways may determine.

By-law and agreement confirmed.

6. By-law No. 6698 of the Corporation of the City of Hamilton dated the 27th day of February, 1951, and the Agreement scheduled thereto both set forth as the Schedule hereto are confirmed and declared to be legal, valid and binding in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, and the said Corporation is hereby authorized and empowered to pass such other by-laws, to enter into such other agreements, and to do all such other acts, matters and things as may be deemed necessary by the said Corporation for the full and proper carrying out of the provisions of the said Agreement.

Commencement. **7.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

8. This Act may be cited as The City of Hamilton Act, 1951.

SCHEDULE

By-Law No. 6698

To Authorize the Execution of an Agreement between The Corporation of the City of Hamilton and The Hamilton Street Railway Company.

The Council of The Corporation of the City of Hamilton enacts as follows:—

- 1. That the Agreement dated the 28th day of February, 1951 between The Corporation of the City of Hamilton of the first part and The Hamilton Street Railway Company of the second part a copy whereof is set out in schedule A to this By-law is hereby adopted, approved, ratified and confirmed.
- 2. The Mayor and the Clerk of the said Corporation are hereby authorized and directed to execute the said Agreement on behalf of the said Corporation and to affix the Corporate Seal thereto.

Passed this 27th day of February, A.D. 1951.

J. F. BERRY,

City Clerk.

L. D. Jackson,

Mayor.

Schedule "A"

THIS AGREEMENT, made the 28th day of February, 1951.

BETWEEN:

THE CORPORATION OF THE CITY OF HAMILTON (hereinafter called the "City"),

OF THE FIRST PART,

—and—
THE HAMILTON STREET RAILWAY COMPANY (hereinafter called the "Company"),

OF THE SECOND PART.

Whereas the Company has an exclusive franchise to construct, complete, maintain and operate within the limits of the City as such limits may be from time to time a transportation system;

AND WHEREAS the Company has agreed with the City to provide a modern and efficient transportation system;

AND WHEREAS the Company owns and operates a transportation system in the City consisting of street car, motor bus and trolley coach services:

AND WHEREAS in connection with such transportation system the City passed certain By-laws more particularly By-laws Numbers 624 in 1892, 3336 in 1926, 5124 in 1940 and 6454 in 1949 and entered into certain Agreements with the Company, more particularly those dated or made the 26th day of March, 1892, the 25th day of May, 1926, the 3rd day of July, 1940, and the 25th day of October, 1949;

AND WHEREAS by the terms of Section 9 of the said Agreement dated the 25th day of May, 1926, the Company is required to pay as therein provided, to the City, quarterly, four per centum (4%) of its gross receipts;

AND WHEREAS due to changed conditions including increased financial requirements of the Company for the purchase of equipment and generally increased labour and material costs, it is now in the best interests of both the City and the Company to discontinue such payments;

AND WHEREAS the Company has undertaken to provide certain services and make certain payments as more particularly set out herein;

Now Therefore this Agreement Witnesseth that in consideration of the premises the parties hereto have agreed as follows:—

- 1. The payments by the Company to the City provided for by Section 9 of the said Agreement dated the 25th day of May, 1926 (approved and authorized by said By-law No. 3336) shall be discontinued as and from the 1st day of January, 1951.
- 2. All words and paragraphs in the said Section 9 of the said Agreement following the words in the third line "shall be repealed" are struck out and repealed and shall have no further force or effect on and after the 1st day of January, 1951, and as from the said date the said Section 9 shall be deemed to read as follows:—
 - "9. The payments by the Company to the City provided for by Sections 23 and 24 of said By-law No. 624 shall be discontinued and said sections shall be repealed."
 - 3. The Company shall:
 - (a) Discontinue on or before the 31st day of May, 1951, the operation of street cars on all routes presently served thereby and shall provide service by motor buses in substitution therefor;
 - (b) Establish and operate on or before the 31st day of December, 1951, a trolley coach service in the general area now served by street cars on what is now known as the Belt Line Route with the exception of Kenilworth Avenue, between Barton Street and Main Street East;
 - (c) Provide and operate, when required by and as the agent of the City, three pieces of snow-clearing equipment on the routes of the Company and shall provide the necessary personnel for such operation, provided that the City shall reimburse the Company for all wages and other remuneration and expenses paid for such operation to or for the operators of such equipment.
- 4. The removal of rails and the laying of new pavement where rails have been removed, referred to in paragraph 6 of the said Agreement dated the 3rd day of July, 1940 (confirmed by said By-law No. 5124), shall be carried out and the Company's share of the cost thereof, described in said paragraph 6 shall be paid by the Company to the City, as follows:
 - (a) The City shall carry out and be responsible for all such removals and new pavements and shall determine the times and priorities for the commencement and completion thereof, provided that all removals and new pavements on the Belt Line Route designated by the Company as necessary for trolley coach service shall be completed in good time to permit the Company to provide the trolley coach service referred to in paragraph 3 (b) hereof;
 - (b) The Company shall pay to the City its share of the total cost of such removals and new pavements, as set forth in said paragraph 6 of the said Agreement dated the 3rd day of July, 1940, in five equal annual instalments commencing in the year 1951, provided that if in any year the Company's share of the total cost of such removals and new pavements undertaken and completed in that year exceeds the total of the Company's instalment for that year plus the unexpended balance (if any) of its prior annual instalments, the Company shall pay in that year the amount of such excess. Any payments by the Company in excess of the normal annual instalments shall be credited against future payments by the Company and the Company shall not be required to pay more than its said share, as herein determined, of the said total cost.
 - (c) The City and the Company shall set up a Committee of qualified persons representing both the City and the Company which

Committee shall examine and agree on the total cost of all such removals and new pavements and the respective shares of such total cost to be borne by the City and by the Company. In the event that the said Committee cannot agree by the 31st day of May, 1951, as to both such total cost and the share of the Company, notwithstanding anything herein contained, the provisions of said paragraph 6 of the Agreement dated the 3rd day of July, 1940, shall govern such removals and new pavements and the payment of the cost thereof, without any amendment or change.

- 5. The Company shall not be responsible or held to be in default for any matter arising hereunder for causes beyond its control.
- 6. This Agreement is in amendment of all the By-laws and Agreements referred to herein, more particularly By-laws Numbers 624, 3336, 5124 and 6454 and the Agreements dated or made the 26th day of March, 1892, the 25th day of May, 1926, the 3rd day of July, 1940, and the 25th day of October, 1949, and the said By-laws and Agreements, so far as they are in force, shall, subject as herein modified, remain in full force and effect.
- 7. The parties hereto agree to join and co-operate in applying to the Legislature of the Province of Ontario immediately following the execution of this Agreement for legislation confirming and ratifying this Agreement and declaring the same to be valid, legal and binding upon the parties hereto.

In Witness Whereof the parties hereto have caused this Agreement to be executed by their duly authorized officers and have affixed hereto their respective corporate seals.

Approved, A. J. Polson. City Solicitor.

SIGNED, SEALED AND DELIVERED | THE CORPORATION OF THE CITY OF HAMILTON

> L. D. JACKSON, Mayor.

W. E. GRIFFIN, [Seal] Deputy City Clerk.

THE HAMILTON STREET RAILWAY COMPANY

> FRANCIS FARWELL, President. J. J. WALL,

Secretary.

[Seal]



An Act respecting The Incorporated Synod of the Diocese of Ottawa

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

WHEREAS The Incorporated Synod of the Diocese of Preamble. Ottawa by its petition has prayed that an Act may be passed to amend its powers with respect to a certain trust fund created by *The Synod of the Diocese of Ottawa Act*, 1936; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 3 of *The Synod of the Diocese of Ottawa Act*, 1936, 1936 is amended by striking out the words "a canon of the amended. Cathedral Church of the Diocese" in the fifth and sixth lines and inserting in lieu thereof the words "the Bishop of the Diocese of Ottawa as a member of the Cathedral Chapter of the Diocese", so that the section shall read as follows:
 - 3. The moneys realized by such sale or sales shall be Application applied, invested and held in trust by the said of proceeds corporation in a fund to be known as "The Mountain Memorial Canonry" and the income derived from such fund shall be applied annually in or towards payment of the stipend of the Bishop of the Diocese of Ottawa as a member of the Cathedral Chapter of the Diocese.
- 2. The Synod of the Diocese of Ottawa Act, 1936 is amended 1936, c. 79.

 by adding thereto the following section:
 - 3a. In the event of the creation of a new Diocese of the Transfer of Church of England in Canada in which the City of Diocese Cornwall is located, the capital of the said fund, together with all income thereon subsequent to the creation of such Diocese, shall be transferred to such Diocese.
 - 3. This Act may be cited as The Incorporated Synod of the Short title. Diocese of Ottawa Act, 1951.



An Act respecting the Jewish Community Centre of Toronto

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

THEREAS the Jewish Community Centre of Toronto, Preamble. a corporation incorporated under The Companies Act, Rev. Stat., by its petition has represented that it is composed of the c. 59. Young Men's and Young Women's Hebrew Association and has prayed that an Act be passed to provide that its buildings, lands, equipment and undertaking be exempt from taxation, except for local improvements; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The buildings, lands, equipment and undertaking of the Tax Jewish Community Centre of Toronto so long as they are exemption. occupied by, used and carried on for the purposes of the Centre, shall be exempt from taxation except for local improvements.
- 2. This Act may be cited as The Jewish Community Centre short title. of Toronto Act, 1951.



An Act respecting the Jewish Congregation Anshe-Sholem of Hamilton

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

WHEREAS the Jewish Congregation Anshe-Sholem of Preamble. Hamilton, hereinafter called the Congregation, by its petition has represented that it was incorporated by An 26 Vict., Act to incorporate the Jewish Congregation Anshe-Sholem of C. 34. Hamilton, being chapter 34 of the Statutes of the Province of Canada, 1863, and has prayed that an Act be passed amending the said Act to extend the Congregation's powers with respect to the holding of real property and the construction, maintenance and alteration of buildings and works, and to vary the number and designations of the officers of the Congregation; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 1 of the said An Act to incorporate the Jewish $^{1863}_{c. 34, s. 1}$. Congregation Anshe-Sholem of Hamilton is amended by amended . striking out all the words after the word "Hamilton" in the tenth line, so that the section shall read as follows:
 - 1. Jacob Frey, Isaac Levy, Henry Zinshermer, Samuel Incorpora-Desbecker, Leopold Rosenband, Daniel Shire, Simon Shire, Leopold Loeb, Isaac Shire, William Loeb, Mendel Levy, Abraham Levy, Iberman Levy, Jonas Draenger, Solomon Ungar, H. Wolf, Bernhard Weinberg, Abraham Saimon and Louis Daniels, together with such other persons as may hereafter become members of the said Society, shall be and they are hereby constituted a Body Corporate and Politic under the name of the Jewish Congregation Anshe-Sholem, of Hamilton.
- 2. Section 2 of the said An Act to incorporate the Jewish 1863, c. 34, s. 2, Congregation Anshe-Sholem of Hamilton is amended by amended.

striking out the words "a Vice-president, a Treasurer and a Secretary" in the second line and inserting in lieu thereof the words "a First Vice-president, a Second Vice-president, a Treasurer, a Secretary, and such other officers or trustees as shall be deemed desirable by the Congregation", so that the section shall read as follows:

Officers of Corporation.

2. The officers of the said Congregation shall consist of a President, a First Vice-president, a Second Vice-president, a Treasurer, a Secretary, and such other officers or trustees as shall be deemed desirable by the Congregation, who shall be elected by Ballot by the members for the time being of the said congregation annually, at the annual general meeting to be held on the first day of October in every year, or on such other day as may be appointed by the by-laws of the said congregation; and the officers so appointed shall have the right to exercise such powers and authorities for the due management and administration of the affairs of the congregation as may be conferred upon them by the regulations and by-laws of the said congregation.

Powers.

Power to

acquire and dispose of real property, etc.

- 3. In addition to the powers now possessed by it, the Congregation may,
 - (a) acquire and hold any real property or any estate or interest therein, either by purchase, lease, gift, devise or bequest, either absolutely or in trust, and may sell, transfer, exchange, mortgage, hypothecate, lease or otherwise dispose of the same or any part thereof, and apply the proceeds of any such property for its purposes; provided that no lands at any time acquired by the corporation and not required for its actual use and purpose, or by way of security for the payment of any loan, debt or guarantee, shall be held by it or by any trustee on its behalf for a longer period than seven years after it shall cease to be so required, but this proviso shall not be deemed in any wise to vary or otherwise affect any trust relating to such property;
 - (b) construct, maintain and alter any buildings or works necessary or convenient for the purposes of the Congregation, which buildings and works shall include, but not be limited to, synagogues, schools, auditoria and social halls, and a burying-ground.

Commencement. **4.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as The Jewish Congregation Anshe-Sholem of Hamilton Act, 1951.

An Act respecting the City of London

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

WHEREAS the Corporation of the City of London by its Preamble. petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

1. In this Part,

Interpretation.

- (a) "Corporation" means the Corporation of the City of London:
- (b) "Commission" means The London Transportation Commission, and "commissioner" means a person holding the office of a member thereof;
- (c) "Council" means the council of the Corporation;
- (d) "Company" means The London Street Railway Company.
- 2.—(1) The Council may establish by by-law a Com-Commission under the name of The London Transportation Commission. The Commission shall be a body corporate and shall be composed of three commissioners. The provisions for qualification and disqualification of an elected member of the council of a local municipality, as provided by The Rev. Stat.. Municipal Act, shall apply mutatis mutandis to the qualification and disqualification of a person to be appointed or appointed to the office of commissioner.
- (2) Each commissioner shall be appointed by the Council, Commissioners, If and when the Corporation has a Board of Control, each appointment:

commissioner shall be appointed from those names submitted by the Board of Control, provided that the Council may on its own motion by a two-thirds vote of the members present and voting make such appointment.

term of office;

(3) Appointments of commissioners shall be made to be effective on the 1st day of July in each year, and the persons first appointed shall hold office in the following manner: one commissioner to be designated by the Council shall hold office to the 30th day of June in the year following the year of his appointment; one commissioner to be designated by the Council shall hold office to the 30th day of June in the second year following the year of his appointment, and the third commissioner shall hold office until the 30th day of June in the third year following the year of his appointment, and thereafter commissioners shall be appointed for the term of three years except in the case of vacancies occurring during the term of office. A commissioner shall hold office until his successor is appointed, but whenever the office of commissioner becomes vacant during his term of office, the Council shall appoint, in the manner hereinbefore provided, some qualified person to hold office for the remainder of the term for which his immediate predecessor was appointed; provided that the Council may, prior to the making of the appointments in the manner hereinbefore provided, appoint a commission to hold office until the 1st day of July, 1952.

re-appointment; (4) A commissioner shall upon the expiration of his term of office be eligible for re-appointment; provided always that such commissioner is otherwise qualified.

remuneration; (5) The remuneration of commissioners shall be such as may be provided for by by-law of the Council.

disqualification of councillors;

(6) No member of the Council shall be appointed a member of the Commission.

quorum.

(7) Two members of the Commission shall constitute a quorum for the transaction of business.

By-laws by Commission.

(8) The Commission may enact by-laws for the better government and control of the Commission, its affairs, operations and undertakings.

Property of transportation system.

3. Upon the appointment of the Commission, the local transportation system of the Company, if the same shall have been acquired by the Corporation, and all the real and personal property used in connection therewith, shall be under the control, operation and management of the Commission, together with all extensions and additions to such local transportation system. All personal property shall be vested

in the Commission but all real estate used for or in any way in connection with such local transportation system or which may be thereafter acquired by the Commission shall be and remain vested in the Corporation.

- 4. Except as otherwise provided in this Act, the Commis-Powers of Commission shall possess and may exercise all the powers, rights, sion. authorities and privileges with respect to the operation, extension, alteration, repair, control and management of the local transportation system of the City of London and all powers now conferred or hereafter conferred upon the Corporation or the Commission with respect thereto; provided always that no powers now vested in or exercised by The London Railway Commission shall be vested in or exercised by the Commission, and provided further that the Commission shall have no power to hold real property, which powers in connection with such transportation system are expressly reserved to the Corporation. Subject to the provisions aforesaid, such powers, rights, authorities and privileges shall include full power, right, authority and privilege,

- (a) to manage, operate, establish, equip, alter, extend and maintain a bus system over the streets and public places in the City of London, and, subject to The Highway Traffic Act and The Public Vehicles Rev. Stat., Act, upon, along, across and over streets, highways oc. 167, 322. and public places throughout Ontario;
- (b) to purchase, lease, acquire and use stock, plant, equipment and property, real and personal, for the purposes aforesaid; provided such real property shall be vested in the Corporation which is hereby empowered to hold the same:
- (c) to take, transport, carry and convey passengers by means of such local transportation system, together with the right, subject to The Highway Traffic Act and The Public Vehicles Act, to take, transport, carry and convey passengers throughout Ontario whether by chartered trips or otherwise;
- (d) to appoint, employ, discharge, fix the salaries and wages of, and to pay all employees of the Commission for the purposes aforesaid, and to specify the duties of all persons so employed, and enter into agreements with such persons, classes of persons, unions and bargaining units: provided no contract of employment shall be made for any term or length of service exceeding three years, and no contract may be made which may not be terminated at any time for cause:

- (e) to agree from time to time with any chartered bank for temporary advances to meet the expense of operating and maintaining such transportation system; provided the total amount so borrowed from all sources shall not at any time exceed the sum of \$100,000, or such greater amount as may from time to time be authorized by by-law of the Council;
- (f) to enter into agreements with the Corporation for all or any of the following: the payment to it annually of such sums as may be agreed upon in lieu of payment of taxes upon the lands used in connection with the transportation system or upon the business thereof, the performance of services by the Commission to the Corporation, the maintenance or contribution to the maintenance of highways whether by fixed sums or upon a mileage basis, and the care of highways including sweeping, snow removal and sanding, which agreements the Corporation is hereby empowered to make.

Funds.

5. Whenever the Commission deems it necessary or expedient that additional moneys should be provided for the purposes of the Commission, the Commission shall prepare and forward to the Council an estimate showing the purposes and amount required by the Commission. If the Council by an affirmative vote of two-thirds of all the members thereof approve of such expenditure, the Council may pass a by-law without first obtaining the assent of the electors thereto for borrowing, and may borrow, upon the debentures of the Corporation such sum or sums of money as may be requested for such purposes. If the Council shall not deem it expedient to pass such by-law to provide for the sums required to be provided by such estimate, the Council may submit a question for a vote of the electors qualified to vote on money by-laws, which question shall be whether the moneys requested by such estimate shall be provided for the Commission. Such question may be submitted to the said electors at any time prior to the 1st day of September in any year notwithstanding any of the provisions of The Municipal Act, and if not then submitted, such question shall not be submitted to the said electors until the time of the regular municipal elections. If such question shall be answered in the affirmative by such electors, the Council shall within six weeks after the taking of such vote, unless such estimate be previously withdrawn, pass a by-law authorizing the issue of debentures to provide the sum mentioned in the said estimate, and shall issue the same, and it shall not be necessary that such by-law shall be put to the electors for their further assent. Any debentures now or hereafter issued for the purposes of the said system shall not be included in the Corporation's debt in estimating the limit of its borrowing powers.

Rev. Stat., c. 243.

- 6. With the intent that the transportation system shall commission to be be entirely self-sustaining, the Commission shall so regulate self-sustaining. and fix all tolls and fares for the carriage of passengers that a revenue shall be produced which, together with the application of an appropriate part of any fare stabilization reserve, shall be in each year sufficient to provide for the cost of operating the transportation system and works and equipment used in connection therewith including the cost of repair, maintenance and upkeep of such system and all buildings and equipment used in connection therewith, the cost of making such renewals and replacements as are properly chargeable to revenue, the cost of insurance against fire, public liability and property damage, the setting up of proper reserves and depreciation accounts, including reserves for stabilization of fare structure. sums required to pay to the Corporation the principal and interest of any outstanding debentures issued by the Corporation for the acquisition of or any of the purposes of the transportation system as amounts may be required to pay the same and all interest charges and liabilities, sums required to pay such amounts as may be agreed to be paid pursuant to clause f of section 4, sums required to pay audit charges and such remuneration of commissioners as may be provided by by-law of the Council. Failure to produce such revenue shall not impose any personal liability on any commissioner.
- 7. The Commission shall provide for and pay to the Commission to repay Corporation such amounts as may be required by the Cor-Corporation to pay and retire debentures and interest charges as hereinbefore provided as the same shall become due and shall also provide for and pay to the Corporation all other moneys provided by the Corporation for the purposes of the transportation system, including moneys expended in any way for the acquisition of such transportation system and the formalities preceding and incidental thereto, which additional amounts shall be included in the revenue to be produced from fares but may be paid over not more than two years.
- 8. The fiscal year of the Commission shall be the calendar Fiscal year year, and on or before the 1st day of March in each year the accounts. Commission shall submit to the Council a financial statement of its affairs during the preceding fiscal year, which shall include a statement of revenue and expenditure, profit and loss and a balance sheet showing the affairs of the Commission. The said statements shall at the same time be published once a week for two consecutive weeks in a daily newspaper published in the City of London. The Commission shall at the same time report to the Corporation upon its operations during the year and give a statement of property acquired and disposed of during each year and an estimate of its expenditures on capital account during the then current year.

Investments.

9. The Commission may invest any surplus moneys in trustee investments but not otherwise.

Insurance.

10. The Commission shall at all times insure, in the name of the Corporation, the real property used by the Commission and shall at all times insure personal property held by the Commission and shall carry public liability and indemnity insurance in connection with all phases of its operation, except only such items of liability as may be covered by

Rev. Stat.,

The Workmen's Compensation Act.

Audit.

11. The auditor of the Corporation shall be the auditor of the Commission and the Commission shall submit all its books, documents, transactions, accounts, vouchers and papers for audit and inspection by such auditor. The said auditor shall report annually to the Council upon the operations of the Commission and from time to time as the Council may request, but shall not otherwise divulge any information with regard thereto to anyone. All monetary transactions of the Commission shall be carried on through and all moneys of the Commission shall be deposited with one or more chartered banks.

Claims to be against Commission.

12. All claims, accounts and demands arising from or relating to the operation, management or control of the transportation system or from the exercise of any of the powers of the Commission shall be made upon and brought against the Commission and not upon or against the Corporation and the Commission may sue and be sued in its own corporate name.

Acquisition of land.

13. The power of the Corporation to acquire land for its purposes shall be deemed to include the power to acquire land for the purposes of the Commission.

Winding-up of Company.

Rev. Stat., c. 59.

14. Notwithstanding any of the provisions of *The Com*panies Act to the contrary, the Corporation may, if it shall have acquired 90 per cent or more of the issued and outstanding shares of the Company, by by-law elect that the provisions of Part XIV of The Companies Act shall be applicable to the Company, and upon compliance with the said provisions the corporate existence of the Company may be terminated as if it had been incorporated by letters patent.

Redemption of shares

15. If the Corporation shall acquire the shares of shareholders of record of the Company whose whereabouts can be ascertained and there shall be shareholders of record whose whereabouts cannot be ascertained, the Corporation may, after notice of intention of making the payment hereinafter referred to forwarded by registered post to such shareholder at the address shown upon the stock register of the

Company and published in one issue of The Ontario Gazette and in three successive issues of a daily newspaper published in the City of London, pay to the Treasurer of Ontario the sum of \$62.747 per share for each share held by such shareholder, and upon such payment to the Treasurer of Ontario such shares shall be vested in the Corporation. Thereupon such shareholder, his heirs, executors, administrators and assigns, shall have no right, title, interest, claim or demand against the Corporation, the Commission, the commissioners, or the Company in respect of such shares, and such shareholder, his heirs, executors, administrators and assigns, shall have a claim only in respect of the moneys so paid to the Treasurer of Ontario. Notwithstanding the provisions of section 14, the Corporation may, upon acquiring all shares of the shareholders of record of the Company, direct the transfer of all the Company's assets, both real and personal, to the Corporation or as it may direct, and file with the Provincial Secretary proof satisfactory to the Lieutenant-Governor that the Company has no debts or liabilities, and that it has parted with all its property and assets and thereupon the Lieutenant-Governor may fix a date upon and from which the Company shall be dissolved and the Company shall be dissolved accordingly.

PART II

16. The Corporation of the City of London is authorized Parking and empowered to acquire by lease or purchase land for the purpose of the parking of motor vehicles, to put the same and other lands of the Corporation to such use, and to charge a fee for parking motor vehicles thereon.

17. Notwithstanding the provisions of The Local Im-Corporation's share provement Act, the Corporation of the City of London is of cost of certain authorized and empowered to assume so much of the cost of sewers. the Regent-Huron-Victoria Street sewer project and Curry Rev. Stat., Street sewer project as provided and assessed by By-laws Nos. 10512 and 10728 of the council of the Corporation as shall reduce the property owners' shares to \$74,339.86 and \$6,288.60 respectively, chargeable over ten years. If that portion of the Township of London adjoining the Regent-Huron-Victoria Street sewer shall become part of the Corporation of the City of London, the said Corporation is hereby authorized and empowered to assess such lands for an equal rate per foot front and collect therefrom the sum of \$11,659.85 as a deferred benefit. The council of the said Corporation may pass by-laws to give effect to the provisions of this section which shall be valid and binding upon the lands assessed and upon the Corporation and the ratepayers thereof.

Community Centre and c. 133

18.—(1) The Corporation of the City of London is here-Arena, 1947, by authorized and empowered to construct the Community Centre and Arena for which funds were provided for by section 4 of The City of London Act, 1947 and by a by-law passed following a vote of the ratepayers held on the 5th day of December, 1949, alone or in conjunction with The Western Fair Association, and such Community Centre and Arena may be known as a Memorial to the Members of the Armed Forces from the City of London who served in the Second World War.

Raising funds.

(2) Notwithstanding the provisions of any special or general Act, the Corporation of the City of London is authorized and empowered to postpone the raising of \$75,000 per year as provided by section 4 of The City of London Act, 1947, as amended, and thereafter to raise the same in such year or years as the council of the Corporation may determine, and to postpone the raising of the other funds referred to in subsection 1, and thereafter to raise the same in the yearly rate or by the issue of debentures at such time or times or in such proportions, from year to year, as the council of the Corporation may determine, and to amend the by-law referred to in subsection 1, all without a vote of the ratepayers or further approval of the Ontario Municipal Board.

Retirement allowances.

19. The Corporation of the City of London shall be deemed to have and to have had power and authority to provide and to continue to provide the retirement allowances heretofore undertaken for employees who, while in the service, became incapable through illness or old age of efficiently discharging their duties, in such sums as have been agreed upon and to raise such sums annually in the general rate.

Commence-

20. This Act shall come into force on the day it receives the Royal Assent.

Short title.

21. This Act may be cited as The City of London Act, 1951.

An Act respecting the Township of Moore

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HEREAS the Corporation of the Township of Moore Preamble. V by its petition has represented that on the 1st day of December, 1950, By-law No. 48 of 1950 was passed by the council of the Corporation for submitting to the electors the question "Are you in favour of granting a fixed assessment of \$1.500,000.00 on the lands, buildings, trackage and dockage of the Canadian Oil Refineries Limited, which said fixed annual assessment is to be for a period of ten years only, and does not apply to or affect taxation for school purposes, local improvements or business, which assessment shall be made on the full assessable value of the said refinery lands and premises, trackage and dockage in connection therewith, and further does not apply to any part of the lands and premises used for the purpose of housing which also shall be assessed at their full assessable value?"; that the question was submitted to the electors on the 1st day of January, 1951, and a majority of the electors voted in the affirmative; and that the council is desirous of carrying into effect the wishes of the electors; and whereas the Corporation has prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Corporation may, by by-law without Fixed assent of the electors qualified to vote on money by-laws, authorized grant a fixed annual assessment of \$1,500,000 on the lands, buildings, trackage and dockage of the Canadian Oil Refineries Limited, which fixed annual assessment is to be for a period of ten years only and is not to apply to or affect taxation for school purposes, local improvements or business, the assessments for which shall be made in accordance with the general law applicable and further is not to apply to any part of the lands and premises used for the purpose of housing which also shall be assessed in accordance with the general law applicable.

Commence-ment.

2. This Act shall come into force on the day it receives the Royal Assent.

Short title.

3. This Act may be cited as The Township of Moore Act, 1951.

CHAPTER 109

An Act respecting the City of Niagara Falls

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

WHEREAS the Corporation of the City of Niagara Falls Preamble. by its petition has represented that it has entered into an agreement with the Public Utilities Commission of the Township of Stamford and the Corporation of the Township of Stamford respecting the furnishing of a supply of water to the said Township authorities, and that it is desirable and in the interests of all the said parties that the agreement and the by-law authorizing it should be validated and confirmed, and that the said parties should be empowered to carry out the terms of the agreement and to extend the term of the agreement for a further period of ten years; and whereas the petitioner in pursuance of the terms of the agreement has prayed that an Act may be passed for such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) The by-law and the agreement forming part thereof, By-law and set out as the Schedule hereto, are confirmed and declared validated. to be legal, valid and binding in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, and the parties to the agreement may pass such other by-laws and enter into such other agreements and do all such other acts, matters and things as may be deemed necessary by the parties for the full and proper carrying out of the provisions of the agreement.
- (2) The parties to the agreement may enter into a supple-Extension mental agreement extending the term of the agreement for agreement a further term of ten years from the 1st day of May, 1960, to authorized the 30th day of April, 1970.
- 2. This Act shall come into force on the day it receives Commence-the Royal Assent.
- 3. This Act may be cited as The City of Niagara Falls Short title. Act, 1951.

SCHEDULE

By-LAW No. 4557

To authorize the execution of an agreement with the Public Utilities Commission of the Township of Stamford and the Corporation of the Township of Stamford for the supply of water to the Public Utilities Commission of the Township of Stamford and the Corporation of the Township of Stamford and to petition the Legislature for a Private Bill to authorize the execution of a supplementary agreement for a total period of twenty years.

WHEREAS the Corporation of the City of Niagara Falls is the owner of a filtration plant for the supply of water to the residents of the Corporation of the City of Niagara Falls, such plant, with some minor additions, being of greater capacity than is required to supply the needs of the Corporation;

AND WHEREAS the Public Utilities Commission of the Township of Stamford and the Corporation of the Township of Stamford are desirous of obtaining from the Corporation of the City of Niagara Falls a supply of water for residents of the Corporation of the Township of Stamford;

AND WHEREAS it is considered to be for the benefit of both parties to have the agreement in force for a period of twenty years;

Now Therefore the Municipal Council of the Corporation of the City of Niagara Falls enacts as follows:

- 1. The Mayor and Clerk of the City of Niagara Falls are hereby authorized, instructed and directed to execute an agreement set forth in Schedule 1 hereto, which is hereby incorporated in and made a part of this by-law; to attach the seal of the Corporation thereto and forthwith thereafter to deliver the same to the Public Utilities Commission of the Township of Stamford and the Corporation of the Township of Stamford.
- 2. The Mayor, Clerk, Solicitor and Manager and other municipal officers of the City of Niagara Falls are hereby authorized and instructed to take such steps and proceedings and to do such things as may be reasonably necessary to apply to the Legislature of the Province of Ontario to procure the passing of a Special Act granting to the Municipal Corporation of the City of Niagara Falls, the Municipal Corporation of the Township of Stamford and the Public Utilities Commission of the Township of Stamford authority to enter into the agreement for the supply of water to the Corporation of the Township of Stamford and the Public Utilities Commission of the Township of Stamford upon the terms mentioned in Schedule 1 hereto for a total period of twenty years.

Read a first and second times in Council this 10th day of July, A.D. 1950.

ENACTED AND PASSED in Council this 14th day of August, A.D. 1950.

W. L. HOUCK,

Mayor.
D. C. PATTEN,

Clerk.

Schedule 1

This Agreement made in triplicate this 1st day of May, A.D. 1950.

BY AND BETWEEN:

THE CORPORATION OF THE CITY OF NIAGARA FALLS, in the Province of Ontario, hereinafter called the "City",

OF THE FIRST PART,

-and-

THE PUBLIC UTILITIES COMMISSION OF THE TOWNSHIP OF STAMFORD AND THE CORPORATION OF THE TOWNSHIP OF STAMFORD, in the Province of Ontario, hereinafter called the "Purchasers",

OF THE SECOND PART.

Whereas the City is the owner of a filtration plant for the supply of water to the residents of the Corporation of the City of Niagara Falls, such plant with some minor additions being of greater capacity than is required to supply the needs of the Corporation, and the Purchasers are desirous of obtaining from such filtration plant a supply of water for residents of the Corporation of the Township of Stamford;

Now Therefore This Agreement Witnesseth that in consideration of the premises and of the agreement of the Purchasers hereinafter set out, the City agrees with the Purchasers to furnish from the said plant through approved meters, a supply of water at connections with the mains of the Purchasers at McLeod Road, Dunn Street, Orchard Avenue, Locus Avenue, Edward Avenue, Ash Street, Munroe Street, Taylor Street, Culp Street, Maranda Street, Barker Street, Ker Street, Lundy's Lane, Arthur Street, Morden Drive, Morrison Street, Stanley Avenue opposite Fraser Street and at such other locations as may be agreed upon from time to time by the parties to this agreement. Such supply of water shall be limited to the capacity of the filtration plant, of the filters, clear water reservoir, pumping equipment, twenty-seven inch (27") main and the proposed auxiliary main more particularly described later in this agreement; and shall be subject to the uses of the existing power services and transformer stations. The pressure shall be maintained by the City at fifty-five pounds at the Dunn Street connection, forty-five pounds at the Stanley Avenue connection and thirty-five pounds at the Barker Street connection with the Purchaser's mains. The meter owned and installed by the City at the Dunn Street connection is to be maintained by and at the expense of the City.

The City agrees to proceed with the following work to ensure an adequate supply of water at the connections with the Purchasers' mains:

	Item	Estimated Cost
1.	Instal at the Filtration Plant an auxiliary transformer station capable of operating two low lift pumps, one high lift pump and auxiliary motors	\$28,000.00
2.	Instal at the Filtration Plant a new pump and motor, pump capable of delivering 6,000,000 Imperial gallons per day	18,000.00
3.	Construct an addition to the clear water reservoir at the Filtration Plant to increase the total storage capacity to approximately 1,500,000 gallons	111,927.00
4.	Construct an auxiliary distribution main from the Filtration Plant at Chippawa to the intersection of Stanley Avenue and Dixon Street. This auxiliary main will be twenty-four inches (24") in diameter	321,654.53

5. Construct a new main extending from the intersection of Stanley Avenue and Dixon Street to the intersection of Lundy's Lane and Drummond Road. This main will be twenty inches (20") in diameter at Portage Road and Murray Street and eighteen inches (18") in diameter on Drummond Road between Murray Street and Barker Street and twelve inches (12") in diameter on Drummond Road between Barker Street and Lundy's Lane.....

105,164.18

Total....

\$584,745.71

The City agrees, upon completion of this agreement, to proceed with the five items of improvements listed above as expeditiously as possible, always subject to the authorization of The Ontario Muncipal Board for the expenditures involved, the obtaining of agreements and easements and the receipt of material and equipment.

The City agrees to prosecute the work so that, saving unforeseen circumstances, all work outlined above will be completed before June 15, 1951.

In Consideration Whereof the Purchasers agree with the City:

- 1. To purchase from the City water at the rate of eleven cents (11c.) per thousand gallons, to be supplied during the period commencing on the first day of May, 1950, and ending on the date when the installation of equipment and facilities itemized in the preceding paragraphs has been completed to such an extent that the full use of such equipment and facilities is available for the delivery of water to the City and to the Purchasers.
- 2. To purchase from the City water according to the following rate schedule from the date when the installation of equipment and facilities itemized above has been completed to such an extent that the full use of such equipment and facilities is available to deliver water to the Purchasers' mains:

Amount of annual purchase

Rate

All water purchased up to a total of 400,000,000 Imperial gallons per annum.....

16 cents per 1,000 gallons

- If the amount of water purchased is in excess of 400,000,000 Imperial gallons per annum but less than 420,000,000 Imperial gallons
- If the amount of water purchased is in excess of 420,000,000 Imperial gallons per annum but less than 440,000,000 Imperial gallons per annum.....
- 15 cents per 1,000 gallons
- If the amount of water purchased is in excess of 440,000,000 Imperial gallons per annum but less than 460,000,000 Imperial gallons
 - per annum...... 14.5 cents per 1,000 gallons
- If the amount of water purchased is in excess of 460,000,000 Imperial gallons per annum 14 cents per 1,000 gallons
- 3. That the meters shall be read and accounts rendered on the first day of each month and all bills shall be payable on or before the fifteenth day of the succeeding month. Any adjustment of amounts payable shall be made as of April 30th for the twelve preceding months.
- 4. To utilize the capacity of the storage tank of the Purchasers to maintain pressure in the mains of the Purchasers. The said storage tank shall be filled and controlled in such manner that the water therein shall be available to assist the City in reducing its peak power load.

- 5. To notify the pumphouse at the Filtration Plant at Chippawa whenever valves are closed or re-opened after closure, or in cases of fires where extra pressure is needed in the water mains, the Stamford Fire Chief or Chiefs, or such other person as may be designated by the Purchasers, shall notify the said pumphouse or those in charge thereof of the need for increased pressure.
- 6. Any alterations or changes necessary to properly record the water consumption during the term of this agreement shall be paid for by the Purchasers and shall be made in a manner satisfactory to and approved of by the City Engineer.
- 7. The maintenance and repair of all meters purchased or installed by or at the expense of the Purchasers shall be paid for by the Purchasers and shall be kept up and maintained in a manner satisfactory to and approved of by the City Engineer.
- 8. Should the said meters or any of them fail to register correctly or become out of repair they shall be repaired and replaced in use with as little delay as possible, or other meters installed and the water supplied while any such meter fails to register correctly or is out of repair, shall be paid for by the Purchasers upon the basis of the average monthly amounts previously paid.
- 9. Should the City at any time during the term of this agreement fail to supply water to the Purchasers, such failure being caused by or being due to power shortage, ice conditions, breakdown of plant, storm, tempest, fire, strike, Act of God, or of the public enemies, or the capacity of the plant to supply the water required, then in such case the City shall not be obligated to maintain such water supply to the Purchasers; but otherwise the City hereby agrees to sell the Purchasers such water as they shall require under the terms of this agreement.
- 10. In case it becomes necessary to limit the supply of water flow into the Township, the City agrees that the connections to be discontinued shall be determined by agreement between the parties to this agreement.
- 11. Each of the parties hereto covenants and agrees with the other party to use at all times first-class, modern, commercial mains, apparatus and plant, and to exercise due skill and diligence so as to secure the most perfect operation of the mains, apparatus and plant.
- 12. The City shall have the right to maintain the meter and check valves at the corner of Lundy's Lane and Drummond Road. Any water taken off the Drummond Road main through the said meter at Lundy's Lane shall be deducted from the amount of water supplied to the main on Drummond Road by the City.
- 13. This agreement shall not affect the supply by the City under existing agreements of water to takers in the Township of Stamford.
- 14. The Public Utilities Commission of the Township of Stamford hereby also agrees with the City to continue to supply water from its waterworks system to the City wherever it is at present supplying water to the City and at such points as may be hereafter agreed upon, and any water so supplied shall be supplied at the same rate as the water supplied by the City to the Purchasers, and the City is to maintain and repair at its own expense any meters purchased or installed for the purpose of measuring the water so supplied to the City and is to pay therefor at the same time as payments are made by the Purchasers under the terms of this agreement.
- 15. Whereas the figures for rates per thousand gallons mentioned in this agreement are based on operating costs, exclusive of the cost for protection of the filtration plant and the distribution mains between Chippawa and Falls View against sabotage, be it therefore understood and agreed that the Purchasers shall pay a proportionate part of such cost of protection in the proportion which the amount of water taken by them bears to the whole amount of water pumped.

The Parties to the Agreement Agree to the Following CONDITIONS:

- 1. That this agreement shall be in force for a period of ten years from May 1st, 1950.
- 2. That it is to the benefit of both parties to have this agreement in force for a period of an additional ten years from May 1st, 1960.
- 3. That the City shall present a Private Bill to the Legislature of the Province of Ontario seeking authority for the parties to this agreement to sign a supplementary agreement providing for the City to sell water to the Purchasers for the period from May 1st, 1950 to April 30th, 1970, and if the said Private Bill is passed by the Legislature, the parties will execute the same supplementary agreement. The Purchasers agree to co-operate to the fullest extent to obtain passing of the said Bill.
- 4. That the water rate schedule outlined in this agreement shall be open to review on or before April 30, 1955 and every five years thereafter, namely on or before April 30th, 1960 and April 30th, 1965; and that the rate structure outlined in this agreement has been arrived at on the basis of expenditures for improvements outlined in this agreement and if additional capital expenditures are required for additional facilities or operating costs, then the rate structure outlined above shall be subject to revision as soon as the said additional capital expenditures have been made.
- 5. The parties of the first part and of the second part agree that the Purchasers shall purchase a minimum of three hundred and twenty-five million (325,000,000) gallons of water per annum from the City of Niagara Falls.
- 6. That if the parties to this agreement are unable to agree on a rate structure at such times as the revision is provided for, then the schedule shall be submitted to The Ontario Municipal Board for approval or revision.

IN WITNESS WHEREOF the parties have hereunto caused their respective seals to be affixed, attested by the signatures of their proper officers in that behalf.

SIGNED, SEALED AND DELIVERED

In the presence of

JOHN R. WEARE.

CORPORATION OF THE CITY OF NIAGARA FALLS:

W. L. Houck,

Mayor.

D. C. PATTEN,

(Seal) Clerk.

Public Utilities Commission of THE TOWNSHIP OF STAMFORD:

K. C. MACLEOD,

Chairman.

C. E. KIRKBY

Secretary. (Seal)

CORPORATION OF THE TOWNSHIP OF STAMFORD:

G. W. Monroe,

Reeve.

A. C. Huggins, Clerk.

(Seal)

CHAPTER 110

An Act respecting the City of Oshawa

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

WHEREAS the Corporation of the City of Oshawa by Preamble. its petition has prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Order P.F. C-2042 of the Ontario Municipal Board Annexation dated the 9th day of November, 1950, set forth as Schedule A confirmed. hereto, is hereby confirmed.
- 2. The said Order shall be deemed to have had effect on Effective and after the 1st day of January, 1951.
- 3. The agreement between the Corporation of the City of Agreement Oshawa and the Corporation of the Township of East Whitby dated the 18th day of December, 1950, set forth as Schedule B hereto, is ratified and confirmed and declared to be legal, valid and binding upon the parties thereto, and the said parties are hereby empowered to carry out their respective obligations and exercise their respective privileges thereunder.
- 4. The supplementary agreement between the Corporation Idem. of the City of Oshawa and the Corporation of the Township of East Whitby dated the 26th day of December, 1950, set forth as Schedule C hereto, is ratified and confirmed and declared to be legal, valid and binding upon the parties thereto, and the said parties are hereby empowered to carry out their respective obligations and exercise their respective privileges thereunder.
- 5. The agreement between the Corporation of the City of Idem. Oshawa and the Corporation of the County of Ontario dated the 18th day of December, 1950, set forth as Schedule D hereto, is ratified and confirmed and declared to be legal, valid and binding upon the parties thereto, and the said parties

are hereby empowered to carry out their respective obligations and exercise their respective privileges thereunder.

1922, c. 122, amended.

6. An Act respecting the Town of Oshawa, being chapter 122 of the Statutes of Ontario, 1922, is amended by adding thereto the following sections:

Application of Rev. Stat., c. 215, to watermains.

5a. Notwithstanding anything contained herein, where it is intended to proceed under this Act to undertake the construction of watermains, section 8 of The Local Improvement Act shall apply mutatis mutandis to the proceedings under this Act, and no such construction of watermains shall be undertaken except in accordance with the said section of The Local Improvement Act.

Appeals, jurisdiction of court of revision.

5b. In every such case an appeal shall lie at the instance of an owner affected by any such by-law in the same manner as in the case of local improvements and the court of revision shall have jurisdiction mutatis mutandis similar to the jurisdiction conferred upon it relating to local improvement assessments by The Local Improvement Act and in addition jurisdiction to exempt from the special rates imposed under the terms of this Act for a period not exceeding three years any agricultural lands which in the opinion of the court should not be called upon to bear any part of the cost of such watermains, and provided further that the court shall have power to renew such exemptions from time to time for like or shorter periods upon the application of any interested owner.

Commencement.

7. This Act shall come into force on the day it receives the Royal Assent.

Short title.

8. This Act may be cited as The City of Oshawa Act, 1951.

SCHEDULE A

P.F. C-2042

Thursday, the ninth day of November, A.D. 1950

BEFORE:

W. J. MOORE, O.L.S., Vice-Chairman.

-and-

C. D. WIGHT, B.Sc., O.L.S., Member.

IN THE MATTER OF "The Municipal Act" (R.S.O. 1937, Chapter 266) and amending Acts, and

IN THE MATTER OF the application of the Corporation of the City of Oshawa and the Corporation of the Township of East Whitby for annexation to the City of Oshawa of certain lands in the Township of East Whitby.

UPON THE JOINT APPLICATION of the Corporation of the City of Oshawa and the Corporation of the Township of East Whitby coming on for hearing before this Board in the Council Chamber at the City Hall in the City of Oshawa on the 27th day of June, 1950, and in the presence of Counsel for the City of Oshawa, Counsel for the Corporation of the County of Ontario, Counsel for certain interested property owners and a number of members of Council and officers of the City of Oshawa, the County of Ontario, and the Township of East Whitby, and a number of property owners and residents of the said municipalities who appeared in person;

AND UPON reading By-law No. 2754 of the City of Oshawa and By-law No. 1437 of the Township of East Whitby, authorizing an application for annexation of part of the Township of East Whitby to the City of Oshawa;

AND UPON certified copies of such by-laws being duly filed with the Board;

AND Upon hearing what was alleged by Counsel aforesaid and by a number of the said members of Council and other officers and other interested persons;

AND UPON being satisfied that public notice of the hearing had been given as directed by the Board;

I. THE BOARD ORDERS under and in pursuance of Section 23 of The Municipal Act and amendments thereto that that part of the Township of East Whitby described in Schedule A to this Order (hereinafter referred to as "the annexed area") be and the same is hereby annexed to the City of Oshawa.

II. THE BOARD FURTHER ORDERS AS FOLLOWS:

- 1. Subject to the provisions of sub-section 14 of Section 23 of The Municipal Act and amendments thereto this Order shall come into effect on the first day of January, A.D. 1951.
- 2. The taxes, assessments, rents, water, school and other rates, including business taxes, in respect of the annexed area to be levied by the City of Oshawa (hereinafter referred to as "the City") in respect of the annexed area shall from and after January 1, A.D. 1951, be the same and be payable at the same time and in the same manner as taxes, assessments, rents, water, school and other rates, including business taxes, levied and raised from time to time on property within the City (other than the annexed area) and the owners and occupants thereof.
- 3. The Township of East Whitby (hereinafter referred to as "the Township") shall assess the annexed area and persons occupying lands in the annexed area for business purposes for taxation for the year 1951

at the same time and in the same manner as other assessments are made within the boundaries of the Township for taxes payable for the year 1951, and that portion of the Assessment Roll of the Township relating to the annexed area for taxation for the year 1951 shall be delivered to the City and shall be incorporated by the City in the City's Assessment Roll for taxation for the year 1951 and shall be used and employed for such taxation purposes in the same manner and to the same extent as though such assessment had been prepared and completed by the Assessor of the City and the said annexed area had been within the limits of the City at the time of such assessment. Such assessments shall nevertheless be subject to appeal to the Court of Revision of the Township and to such further appeal in accordance with the provisions of *The Assessment Act* and amending statutes to the same extent as though this Order had not been made.

- 4. The whole rateable property within the annexed area according to the said assessment shall be subject to levy by the City for taxes for the year 1951 in the same manner and to the same extent as other lands in the City.
- 5. The Township shall at all reasonable times allow the City, its servants and agents, access to the Assessment Rolls of the Township insofar as they relate to the annexed area, and to all local improvement by-laws and local improvement assessment rolls relating thereto, and also to all plans, surveys and maps relating to the annexed area.
- 6. (a) All taxes, including business taxes, imposed by the Township on or with respect to the annexed area up to December 31st, 1950, and due and unpaid at the first day of January, A.D. 1951 shall belong to the City.
- (b) The Township shall prepare and furnish to the City a special Collectors Roll showing all arrears of taxes including business taxes or special rates assessed against or with respect to the annexed area to December 31st, A.D. 1950, and remaining unpaid and the name of the persons liable for payment of the same. The City shall have the right to collect and shall collect such arrears of taxes, including business taxes, in the same manner and with all the rights and powers, including the right to sell lands for arrears of taxes, provided by The Assessment Act or any other Act as fully and effectually as though the said taxes had been levied by the City.
- 7. The present assessments of all lands within the annexed area having an area of not less than two acres or more than eight acres and used solely for agricultural purposes are to continue for a period of five years from January 1st, A.D. 1951, unless within that period the lands are subdivided, in which case this fixation of assessment shall terminate. The present assessments of all lands within the annexed area having an area of more than eight acres and used solely for agricultural purposes shall continue for a period of ten years from January 1st, A.D. 1951, unless the same are sub-divided within that period, in which case this fixation of assessment shall terminate. This paragraph shall not apply to alterations, additions, improvements and new structures which shall be assessed in accordance with the provisions of *The Assessment Act*.
- 8. The election to be held in the year 1950 by the Township for the Council of the Township for 1951 and all proceedings in connection therewith shall be held as if the annexed area did not form part of the Township.
- 9. The Township shall in 1950 prepare a special Voters' List under *The Voters' Lists Act* in respect of the annexed area, and the City may use such list for the purpose of the election of the Council, the Board of Education and the Public Utilities Commission of the City for the year 1951 in the same manner and to the same extent as if the said list had been prepared as part of the Voters' List of the City for the year 1950 and as if the annexed area were part of the City at the time of the preparation of the said list and at the time of the said election. The persons shown on the said special Voters' List to be entitled to vote at municipal elections and the persons shown thereon to be entitled to be candidates at such elections shall respectively be entitled, if otherwise qualified by law, to

537

vote and to be candidates at the election of the Council, the Board of Education and the Public Utilities Commission of the City for the year

- 10. Subject to any by-law hereafter enacted by the Council of the City the annexed area shall be deemed to be an additional ward of the City to be known as Ward Number 6, and the Council of the Corporation of the City shall accordingly be enlarged by two additional Aldermen, and all necessary by-laws shall be deemed to have been passed and enacted and all other necessary acts and things done to enable the City to conduct an election for the year 1951 for a Council to include twelve Aldermen to be elected by a general vote in the same manner as if the City had heretofore included the annexed area and had been divided into six wards.
- 11. The Councils of the City and the Township respectively may pass by-laws re-arranging and re-numbering the Polling Sub-divisions of the respective municipalities in accordance with the altered boundaries as determined by this Order in the same manner and having the same force and validity as though the annexed area were part of the City and not part of the Township.
- 12. All matters relating to assessment of the annexed area and the preparation of the Assessment Roll for the taxation year 1951 according to Paragraph 3 of this Order, and all matters relating to municipal elections in the Township and in the City and the preparation of Voters Lists and the conduct of elections in both municipalities, and in particular the provisions of Paragraphs 8, 9, 10 and 11 of this Order, shall be valid and binding notwithstanding the date at which this Order becomes effective and for such purposes this Order shall be deemed to have been in full force and effect prior to the time when such proceedings were had and taken.
- 13. All right, title and interest of the Township and of the County of Ontario in the highways and streets in the annexed area, together with any and all right, title and interest in any public improvements made by or at the expense of the Township or County of Ontario therein, and in any franchises or agreements heretofore given and made, insofar only as they affect the operations of the said highways and streets in the annexed area, shall vest in the City as and from the first day of January, 1951.
- 14. From and after the effective date of this Order the jurisdiction of the Public Utilities Commission of the City of Oshawa in the supply of water and electric power shall extend to the annexed area as fully as it existed within the boundaries of the City before this Order was made, and all residents within the annexed area shall be entitled to receive water and electric services insofar as such services are available for the same charges and upon the same terms as other residents of the City.
- 15. The Township will continue to provide the ordinary municipal services to the annexed area until the effective date of this Order.
- 16. All debenture debt of the Township outstanding at the effective date of this Order relating to local improvements made in the annexed area shall be assumed and paid by the City. Where such local improvement indebtedness relates to the installation of watermains such indebtedness shall be assumed and paid by the City without imposing and collecting further local improvement rates or assessment. In all other cases the City shall be entitled to recover all local improvement rates and assessments owing from and after the effective date of this Order to the same extent as if the improvement had been made and all necessary by-laws passed by the City and to the same extent as the Township would have been entitled to recover the same if this Order had not been made.
- 17. Any payments commuted and paid in advance by property owners with respect to local improvement charges for watermains will be repaid to them or their successors in title to the extent that such payments are in excess of the annual assessment to the effective date of this Order.
- 18. A sum of money amounting to \$15,186.11 in the hands of the Treasurer of the Township, representing reserve of unapplied prepayments

on local improvement charges for watermains, shall be paid over to the Public Utilities Commission of the City of Oshawa and applied by the Commission to the refund of any such commuted payments and to the reduction of the indebtedness on watermain debenture charges.

- 19. Any local improvements in progress for which at the effective date of this Order debentures have not been issued will be assumed by the City and the City will repay to the Township any funds paid out on account of such improvements and the City will assume any outstanding loans with relation to such expenditures and will complete any such work remaining unfinished. Any unexpended proceeds of debenture issues will be paid by the Township to the City.
- 20. Upon the effective date of this Order the school sites and buildings, together with contents thereof and other assets the property of the Public School Boards of Union School Sections Number 4 and 5 in the Townships of Whitby and East Whitby shall become the property of the Board of Education for the City of Oshawa and shall be conveyed upon request by the Trustees of the said Union School Sections accordingly. Pupils resident in those parts of the said Union School Sections now in the Township of Whitby, up to a maximum of fifty pupils in all, may continue to attend the said schools upon payment of an amount per pupil not exceeding two-thirds of the maximum fees which the Board of Education for the City of Oshawa would be entitled to charge for pupils attending its public schools from other points outside the City, and this provision shall remain operative with respect to each of the said Union School Sections respectively so long as the school appertaining to such Section continues to be operated by the said Board of Education.
- 21. Upon the said Board of Education ceasing to operate either of the said schools as a public school then the School so discontinued shall be and become the property of that part of the Union School Section concerned lying within the Township of Whitby and title to the lands and buildings and contents shall be transferred accordingly for the nominal consideration of \$1.00 to the Township of Whitby or to any Board entitled to represent the portion of such Union School Section in the Township of Whitby.
- 22. Upon either of such school properties being no longer operated as public schools and upon conveyance thereof as aforesaid to the Township of Whitby or the appropriate school board then the rights of pupils resident in the portion of such Union School Section within the Township of Whitby to attend Oshawa schools at preferred rates shall cease.
- 23. Upon the effective date of this Order the school site and buildings together with all contents thereof and other property and assets of the Public School Board of Union School Section Number 6 for the Townships of East Whitby and Darlington shall become the property of the Board of Education for the City of Oshawa and shall be conveyed upon request by the Trustees of the said Union School Section accordingly.
- 24. The City shall pay to the Township of Darlington the sum of \$1,964.09, being the amount of principal and interest paid by the said Township upon the debenture debt relating to the said Union School Section Number 6 and will assume and discharge all future payments both for principal and interest upon the said debenture debt.
- 25. No pupils from the Township of Darlington shall after the effective date of this Order be entitled to attend the said school except as non-resident pupils upon the usual terms.
- 26. All such adjustments of assets and liabilities as between the municipalities, including the County of Ontario affected by this Order shall be made between such municipalities as they may agree among themselves and in the event of the said interested municipalities not being able to agree upon such adjustments then any of the said municipalities may apply to this Board to determine the matter by further Order. The rights and claims of all parties affected by this Order under the provisions of The Public Schools Act, including School Sections and Union School Sections located in whole or in part in the annexed area, shall be adjusted

and settled by agreement between the Board of Education for the City of Oshawa and the other parties thereby affected including the Trustees of the said School Sections, and in default of such an adjustment being agreed upon then the provisions of Section 38 of *The Public Schools Act* shall apply except as provided by paragraphs 20 to 25 inclusive of this Order.

27. Any matter properly the subject of adjustment between or among parties affected by this Order and not covered by the terms of this Order shall not by reason of such omission be deemed to have been waived by any of the municipalities or other parties affected but shall be adjusted from time to time on a fair and equitable basis by and between the said affected parties and failing agreement accordingly shall be determined by Order of this Board upon the application of any such interested municipality or other party.

(Seal)

(Sgd.) W. J. Moore, Vice-Chairman.

Schedule A

ALL AND SINGULAR those certain parcels or tracts of lands and premises, situate, lying and being in the Township of East Whitby, in the County of Ontario, and being composed of parts of the Broken Front, First, Second, Third and Fourth Concessions in the said Township of East Whitby, and being more particularly described as follows: Commencing at a point where the easterly limit of Lot 10 in the Broken Front Concession of the Township of East Whitby meets the water's edge of Lake Ontario; thence northerly along the easterly limit of said Lot 10 in the Broken Front Concession two thousand nine hundred and eighty-four feet four inches to a point; thence south seventy-six degrees fifty-three minutes thirty seconds west ninety-seven feet seven inches to a point; thence north forty-two degrees thirty-six minutes thirty seconds west one hundred and seventy-seven feet eleven inches to a point; thence north eighty-seven degrees thirty-two minutes west one hundred and ten feet four inches to a point; thence north twenty-five degrees three minutes west two hundred and forty-seven feet five inches to a point; thence north six degrees eleven minutes west one hundred and eleven feet two inches to a point; thence north fifty-five degrees fifty-three minutes, thirty seconds west seventy-five feet two inches to a point; thence north thirty-four degrees thirty-five minutes thirty seconds west one hundred and eighty-eight feet nine inches to a point; thence north forty degrees seven minutes west one hundred and twenty-seven feet to a point in the southerly limit of Thomas Street; thence into and along Thomas Street in a westerly direction to its intersection with Cedar Street; thence northerly along Cedar Street to a point opposite the northerly limit of Lot 3 as marked on Registered Plan 180; thence westerly along the said northerly limit of said Lot 3 and its production westerly to the westerly limit of Reserve Block A on said Registered Plan; thence northerly along said westerly limit of said Reserve Block A on said plan to Glen Street; thence northerly along Glen Street to the northerly limit thereof; thence northerly along the westerly limit of Lot C-30 according to Sheet 31 of the Municipal Plan of the City of Oshawa to the lands of the Canadian National Railway Company; thence westerly along the southerly limit of the Canadian National Railway Company's lands to Park Road; thence northerly along Park Road to the northerly extremity thereof at Gibbs Avenue; thence continuing northerly along the westerly limit of Lot C-2 according to Sheet 11 of the Municipal Plan of the City of Oshawa to the Concession Road between the Second Plan of the City of Osnawa to the Concession Road between the Second and Third Concessions in the said Township of East Whitby, said Concession Road being now known as Rossland Road; thence easterly along Rossland Road to Wilson Road; thence southerly along Wilson Road to the Base Line Road, now known as Bloor Street; thence continuing southerly along the unopened allowance for road between Township Lot 6 in the Broken Front Concession of the Township of East Whitby and Township Lot 7 in the said Broken Front Concession now in the City of Oshawa to Harbour Road; thence in an easterly direction along Harbour Road to a road between Lots 5 and 6 in the Broken Front Concession known as Lyman Road; thence along Lyman Road to its southerly ex-

tremity; thence from a point at the south-easterly extremity of Lyman Road on a course south forty-three degrees twenty minutes forty-five seconds east seven hundred and fourteen feet three and one-half inches more or less to the water's edge of Lake Ontario; thence in an easterly direction along the water's edge of Lake Ontario to the allowance for road between the Township of East Whitby and the Township of Darlington, being the boundary between the Counties of Ontario and Durham; thence northerly along the said road marking the County line to a point opposite the line dividing the north and south halves of Lot 1 in the Second Concession of the said Township of East Whitby; thence westerly along the line dividing the north and south halves of Lots 1, 2, 3, 4 and 5 in the said Second Concession of the Township of East Whitby to the westerly limit of said Lot 5; thence northerly along the line dividing Lots 5 and 6 in the said Second Concession of the Township of East Whitby to the northerly limit of the said Second Concession; thence continuing across the Concession Road between the Second and Third Concessions of the Township of East Whitby and along the line dividing Lots 5 and 6 in the Third Concession of the said Township of East Whitby to a point one thousand six hundred and fifty feet north of the said Concession Road between the said Second and Third Concessions; thence westerly parallel with the said Concession Road to and across the road dividing Lots 6 and 7 in the Third Concession of the Township of East Whitby to the line dividing Lots 7 and 8 in the said Third Concession; thence northerly along the line dividing said Lots 7 and 8 in the Third Concession to and across the road dividing the Third and Fourth Concessions in the said Township of East Whitby and continuing along the line dividing Lots 7 and 8 in the Fourth Concession to a point midway between the south and north limits of the said Fourth Concession; thence westerly on a line parallel with the Concession Road dividing the Third and Fourth Concessions to the easterly limit of the Township of Whitby; thence southerly along the easterly limit of the Township of Whitby to the water's edge of Lake Ontario; thence in an easterly direction along the water's edge of Lake Ontario to the place of beginning.

SCHEDULE B

ARTICLES OF AGREEMENT made in duplicate this 18th day of December, 1950.

BETWEEN:

THE CORPORATION OF THE CITY OF OSHAWA, hereinafter called the City,

OF THE FIRST PART,

-and-

THE CORPORATION OF THE TOWNSHIP OF EAST WHITBY, hereinafter called the Township,

OF THE SECOND PART.

Whereas upon the application of the City and the Township the Ontario Municipal Board has by its Order dated the 9th day of November, 1950, directed the annexation to the City of that portion of the Township of East Whitby named in the said Order and hereinafter more particularly described in Schedule A to this agreement;

AND WHEREAS by the terms of the said Order it is provided that all such adjustments of assets and liabilities as are properly the subject of adjustment between such municipalities shall be made as such municipalities may agree among themselves, or in default of such agreement as the Board may order;

AND WHEREAS it has been agreed by and between the parties hereto as hereinafter set out;

Now Therefore This Agreement Witnesseth that the parties hereto mutually covenant and agree to and with each other as follows:

- 1. For the purposes of this agreement the term "annexed area" shall mean the lands covered by the Order of annexation of the Ontario Municipal Board hereinbefore referred to and more particularly described in Schedule A to this agreement; "Board" shall mean the Ontario Municipal Board; "Order of the Board" shall mean the Order of annexation hereinbefore referred to dated the 9th day of November, 1950.
- 2. All lands within the annexed area belonging to the Township (other than highways and streets, title to which is provided for in paragraph 13 of the Order of the Board), subject nevertheless to the provisions hereinafter set out with respect to schools and school sites, shall belong to the City and shall be conveyed to the City by the Township upon request. For greater certainty the said lands so to be conveyed shall be deemed to include lands belonging to the Township and being used at the date of the Order of the Board as parks or recreation areas. The City shall be required to compensate the Township for such real property, other than parks and recreation areas, at a valuation to be agreed upon by the Assessors of the City and the Township, or in default of such agreement to be fixed by the Board.
- 3. All other fixed assets and equipment of the Township, including real property (except the Township Hall and its site at the Village of Columbus, school properties and tax sale lands outside the annexed area), office equipment, road machinery and motor vehicles, gravel pit, tile plant, Medical Officer's supplies and equipment and other assets of a like nature, shall be retained by the Township or sold by the Township if it so elects within six months after the effective date of the Order of the Board. Insofar as the Township elects to retain such property, a valuation shall be placed upon the same by agreement between the two municipalities, or failing such agreement shall be fixed by the Board. In any event the

Township shall be liable to compensate the City on the basis of the valuation or sale price as the case may be. The valuation of road machinery and equipment and the Township garage shall for the purposes of this agreement be reduced by 50 per cent by reason of the subsidies paid by the Province of Ontario to the Township and invested in the purchase thereof. The Township Hall and site at the Village of Columbus, the school properties and tax sale lands outside the annexed area shall not be the subject of compensation and shall remain the property of the Township and the School Sections interested.

- 4. In all accounting between the Township and the City with relation to fixed assets, being the assets covered by paragraphs 2 and 3 of this agreement, the City's share of such assets for the purposes of this agreement shall be 71.876% and the Township's share 28.124%.
- 5. For the purposes of this agreement current assets shall be construed to mean cash on hand and on deposit in bank accounts (saving always as herein otherwise provided), current supplies on hand, subsidies receivable, accounts receivable, prepaid expenses and taxes receivable including arrears of taxes. The Township shall be liable to account to the City for the value of all current assets and the City's share of such accounting shall be 76.821% and the Township's share 23.179%.
- 6. Taxes receivable including arrears of taxes as referred to in paragraph 5 shall mean and include all taxes owing upon lands within the annexed area at December 31st, 1950, including penalties accrued to that date, and on and after January 1st, 1951, all such taxes including penalties shall belong to and be payable to the City, and in the accounting between the City and the Township shall be charged to the City at their full face value as current assets transferred to the City's account.
- 7. Notwithstanding anything herein contained to the contrary the Township lands within the annexed area which have come into the possession of the Township by reason of tax sales heretofore conducted shall be transferred and conveyed to the City at a valuation of \$6,725.00, providing however that in the event of the sale of any such lands before the effective date of the Order of the Board the portion of such valuation relating to such lands so sold shall be deducted from the total valuation for the purposes of accounting between the City and the Township and the funds received from such sale shall be divided in the same manner as current assets.
- 8. The City in the adjustment of accounts shall pay to the Township one-half the cost of the assessment of the Township for the year 1950, but such payment shall be computed as part of the cash on hand for the purposes of adjustment of assets.
- 9. Accounts payable by the Township as owing and unpaid at December 31st, 1950, shall be paid by the Township and an amount representing 76.821% thereof shall be charged to the City in the accounting between the City and the Township.
- 10. Upon the taking of accounts as hereinbefore provided between the City and the Township, the one party shall be liable to compensate the other in cash to balance the said accounts. The effective date with respect to which all such accounting shall be computed shall be the effective date of annexation, the first day of January, 1951. Any balance payable by either party to the other shall be settled and paid on or before the 31st day of December, 1951.
- 11. The City shall assume and pay from and after the first day of January, 1951, charges and expenses for what is known as aftercare of tubercular patients discharged from sanatoria being charged and imposed in accordance with *The Sanatoria for Consumptives Act* and any other charges under the said Act for which the Township would otherwise be liable but for the Order of the Board with respect to persons whose residence is traceable to the annexed area.

The City shall also assume and pay from and after the first day of January, 1951, the costs of unemployment relief under the provisions of

The Unemployment Relief Act relating to persons whose residence is defined in the said Act and the regulations made thereunder as traceable to the annexed area.

- 12. All school sites and buildings including those portions of Union School Sections with their sites and buildings lying within the annexed area shall from and after the first day of January, 1951, be deemed to be a part of the City of Oshawa for school purposes and shall belong to and be administered by the Board of Education for the City of Oshawa. For greater certainty the School Sections hereby affected are the following, namely: School Sections No. 1, 10 and 11 of the Township of East Whitby, and Union School Sections No. 4 and 5 of the Townships of East Whitby and Whitby and Union School Section No. 6 of the Townships of East Whitby and Darlington. With respect to the said Union School Sections the terms of the Order of the Board shall apply as they affect the disposition of the said respective school sites and property. In all the said School Sections including the said Union School Sections, the school site and property shall be transferred and conveyed to the Board of Education for the City of Oshawa upon request by the Trustees for the time being in office in the respective sections.
- 13. The City shall assume and discharge the outstanding debenture debt owing with respect to all of the said School Sections, being the following, namely:
 - Union School Section No. 6—By-law 973, 1925, 30 years, 5½%, originally \$8,500.00, at the end of 1950—\$2,497.47.
 - Union School Section No. 6—By-law 1373, 1948, 5 years, 2½%, \$3,000.00, at the end of 1950—\$1,840.00.
 - School Section No. 1—By-law 957, 1924, 30 years, 5%, \$40,000.00, at the end of 1950—\$9,226.77.
 - School Section No. 10—By-law 972, 1925, 30 years, $5\frac{1}{2}\%$, \$50,000.00, at the end of 1950—\$14,690.93.
 - School Section No. 10—By-law 1021, 1928, 30 years, $5\frac{1}{2}\%$, \$36,000.00, at the end of 1950—\$15,690.69.
 - School Section No. 11—By-law 1022, 1928, 30 years, $5\frac{1}{2}\%$, \$34,000.00, at the end of 1950—\$14,818.97.
 - School Section No. 11—By-law 1400, 1948, 20 years, $3\frac{1}{2}\%$, \$87,000.00, at the end of 1950—\$81,000.00.
- 14. School rates collected by the Township during 1950 and earlier shall be paid as far as they are due to local School Sections before the end of 1950. Any balances on hand and unpaid at the first day of January, 1951, to any School Board in the annexed area shall be paid over to the Board of Education for the City of Oshawa. Local School Boards in the annexed area shall cease to exist on the first day of January, 1951, and all surpluses, if any, in the hands of such Boards shall belong to the Board of Education for the City of Oshawa and shall be paid over to that Board. All debts and liabilities of such Boards remaining unpaid at the first day of January, 1951, shall be the obligations of the Board of Education for the City of Oshawa. All contracts of employment with employees of Local School Boards shall be assumed by the Board of Education for the City of Oshawa.
- 15. The East Whitby High School District shall be adjusted to conferm to the boundaries of the two municipalities as fixed by the Order of the Board and all necessary adjustments of payments shall be made accordingly. Any surplus or deficit in the operations for 1950 will be adjusted between the City and the Township on the same basis as current assets and liabilities.
- 16. It is further declared and agreed by and between the parties hereto that the Order of the Board together with this agreement is in-

tended to constitute the basis of settlement of all matters relating to annexation as defined by the Order of the Board, but that any matter properly the subject of adjustment between or among the said parties and not covered by the terms of the Order of the Board and of this agreement shall not by reason of such omission be deemed to have been waived by any of the municipalities or other parties affected but shall be the subject from time to time of further negotiation and adjustment on a fair and equitable basis between the said affected parties and failing agreement accordingly shall be determined by Order of the Board upon the application of any interested municipality or other party, and it is agreed that notwithstanding any Statutory provision to the contrary lapse of time shall not be a bar to any such negotiation and adjustment or application to the Board.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their corporate seals attested by the hands of their proper officers in that behalf.

SIGNED, SEALED AND DELIVERED

In the presence of

(Seal)

(Seal)

THE CORPORATION OF THE CITY OF OSHAWA:

MICHAEL STARR F. E. HARE

THE CORPORATION OF THE TOWN-SHIP OF EAST WHITBY:

WM. E. NOBLE D. F. WILSON

Schedule A

To agreement dated the 18th day of December, 1950, between the Corporation of the City of Oshawa and the Corporation of the Township of East Whitby.

ALL AND SINGULAR those certain parcels or tracts of lands and premises, situate, lying and being in the Township of East Whitby, in the County of Ontario, and being composed of parts of the Broken Front, First, Second, Third and Fourth Concessions in the said Township of East Whitby, and being more particularly described as follows: Commencing at a point where the easterly limit of Lot 10 in the Broken Front Concession of the Township of East Whitby meets the water's edge of Lake Ontario; thence northerly along the easterly limit of said Lot 10 in the Broken Front Concession two thousand nine hundred and eighty-four feet four inches to a point; thence south seventy-six degrees fifty-three minutes thirty seconds west ninety-seven feet seven inches to a point; thence north forty-two degrees thirty-six minutes thirty seconds west one hundred and seventy-seven feet eleven inches to a point; thence north eighty-seven degrees thirty-two minutes west one hundred and ten feet four inches to a point; thence north twenty-five degrees three minutes west two hundred and forty-seven feet five inches to a point; thence north six degrees eleven minutes west one hundred and eleven feet two inches to a point; thence north fifty-five degrees fifty-three minutes, thirty seconds west seventy-five feet two inches to a point; thence north thirty-four degrees thirty-five minutes thirty seconds west one hundred and eighty-eight feet nine inches to a point; thence north forty degrees seven minutes west one hundred and twenty-seven feet to a point in the southerly limit of Thomas Street; thence into and along Thomas Street in a westerly direction to its intersection with Cedar Street; thence northerly along Cedar Street to a point opposite the northerly limit of Lot 3 as marked on Registered Plan 180; thence westerly along the said northerly limit of said Lot 3 and its production westerly to the westerly limit of Reserve Block A on said Registered Plan; thence northerly along said westerly limit of said Reserve

Block A on said plan to Glen Street; thence northerly along Glen Street to the northerly limit thereof; thence northerly along the westerly limit of Lot C-30 according to Sheet 31 of the Municipal Plan of the City of Oshawa to the lands of the Canadian National Railway Company; thence westerly along the southerly limit of the Canadian National Railway Company's lands to Park Road; thence northerly along Park Road to the northerly extremity thereof at Gibbs Avenue; thence continuing northerly along the westerly limit of Lot C-2 according to Sheet 11 of the Municipal Plan of the City of Oshawa to the Concession Road between the Second and Third Concessions in the said Township of East Whitby, said Concession Road being now known as Rossland Road; thence easterly along Rossland Road to Wilson Road; thence southerly along Wilson Road to the Base Line Road, now known as Bloor Street; thence continuing southerly along the unopened allowance for road between Township Lot 6 in the Broken Front Concession of the Township of East Whitby and Township Lot 7 in the said Broken Front Concession now in the City of Oshawa to Harbour Road; thence in an easterly direction along Harbour Road to a road between Lots 5 and 6 in the Broken Front Concession known as Lyman Road; thence along Lyman Road to its southerly extremity; thence from a point at the south-easterly extremity of Lyman Road on a course south forty-three degrees twenty minutes forty-five seconds east seven hundred and fourteen feet three and one-half inches more or less to the water's edge of Lake Ontario; thence in an easterly direction along the water's edge of Lake Ontario to the allowance for road between the Township of East Whitby and the Township of Darlington, being the boundary between the Counties of Ontario and Durham; thence northerly along the said road marking the County line to a point opposite the line dividing the north and south halves of Lot 1 in the Second Concession of the said Township of East Whitby; thence westerly along the line dividing the north and south halves of Lots 1, 2, 3, 4 and 5 in the said Second Concession of the Township of East Whitby to the westerly limit of said Lot 5; thence northerly along the line dividing Lots 5 and 6 in the said Second Concession of the Township of East Whitby to the northerly limit of the said Second Concession; thence continuing across the Concession Road between the Second and Third Concessions of the Township of East Whitby and along the line dividing Lots 5 and 6 in the Third Concession of the said Township of East Whitby to a point one thousand six hundred and fifty feet north of the said Concession Road between the said Second and Third Concessions; thence westerly parallel with the said Concession Road to and across the road dividing Lots 6 and 7 in the Third Concession of the Township of East Whitby to the line dividing Lots 7 and 8 in the said Third Concession; thence northerly along the line dividing said Lots 7 and 8 in the Third Concession to and across the road dividing the Third and Fourth Concessions in the said Township of East Whitby and continuing along the line dividing Lots 7 and 8 in the Fourth Concession to a point midway between the south and north limits of the said Fourth Concession; thence westerly on a line parallel with the Concession Road dividing the Third and Fourth Concessions to the easterly limit of the Township of Whitby; thence southerly along the easterly limit of the Township of Whitby to the water's edge of Lake Ontario; thence in an easterly direction along the water's edge of Lake Ontario to the place of beginning.

SCHEDULE C

ARTICLES OF AGREEMENT made in duplicate this 26th day of December, 1950.

BETWEEN:

THE CORPORATION OF THE CITY OF OSHAWA, hereinafter called the City,

OF THE FIRST PART,

-and-

THE CORPORATION OF THE TOWNSHIP OF EAST WHITBY, hereinafter called the Township,

OF THE SECOND PART.

Whereas upon the application of the City and the Township the Ontario Municipal Board has by its Order dated the 9th day of November, 1950, directed the annexation to the City of a portion of the Township of East Whitby more particularly described in Schedule A to the said Order of the Board.

AND WHEREAS by Articles of Agreement made the 18th day of December, 1950, pursuant to the Order of the Board provision was made for all such adjustments of assets and liabilities as are properly the subject of adjustment in such cases and for certain other matters arising out of the Order of the Board.

And Whereas by reason of certain representations made by certain residents of the annexed area consideration has been given by the parties hereto to the further matters hereinafter set out and it has been agreed as follows:

Now Therefore This Agreement Witnesseth that the parties hereto mutually covenant and agree to and with each other as follows:

- 1. For the purposes of this agreement the term "annexed area" shall mean the lands covered by the Order of annexation of the Ontario Municipal Board hereinbefore referred to; "Board" shall mean the Order of Municipal Board; "Order of the Board" shall mean the Order of annexation hereinbefore referred to dated the 9th day of November, 1950; "agricultural lands" shall mean parcels of land in the annexed area of not less than two acres in area and used solely for agricultural purposes. Such lands shall cease to be agricultural lands within the meaning of this agreement when they are no longer used solely for agricultural purposes.
- 2. This agreement shall be construed as supplementary to the agreement hereinbefore referred to of the 18th day of December, 1950.
- 3. No local improvements shall hereafter be instituted or undertaken by the City so as to impose local improvement charges or rates upon any agricultural lands except under the provisions of Section 8 of The Local Improvement Act, being R.S.O. 1937, Chapter 269, and amends thereto, or any similar provisions which may hereafter be enacted by the Legislature of the Province of Ontario to amend or replace said Section 8. Nothing in this agreement shall be construed to impair the right of property owners to petition for local improvements under the provisions of The Local Improvement Act, but notwithstanding any such petition the Council of the City will proceed following such petition in accordance with the provisions of said Section 8 or such similar substituted provisions.
- 4. Notwithstanding the terms of said Section 8 of *The Local Improvement Act* or any amended or substituted terms that may hereafter be en-

acted by the Legislature of the Province of Ontario, all owners according to the last revised assessment roll of the City of agricultural lands affected by any proposed local improvement undertaking shall be entitled to be notified by registered post prepaid of the intention of the City to proceed with such local improvement undertaking and such notice may be in the form prescribed by said Section 8 of *The Local Improvement Act* or similar form and shall be mailed not later than the day of the first publication of the said notice of intention in accordance with the terms of said Section 8.

- 5. The City shall forthwith make and prosecute an application to the next session of the Legislature of the Province of Ontario for a Private Act to amend the provisions of the Statutes of Ontario, 12-13 George V, Chapter 122, so as to provide:
- (a) That Section 8 of *The Local Improvement Act* or such similar terms as may hereafter be enacted in lieu thereof by the Legislature of the Province of Ontario shall apply to the construction of all watermains hereafter undertaken under the terms of the said Act to the same extent as if such construction were undertaken as a local improvement.
- (b) That an appeal shall lie to the Court of Revision in the same manner as in the case of local improvements and the Court of Revision shall have jurisdiction mulatis mulandis similar to the jurisdiction conferred upon it relating to local improvement assessments by The Local Improvement Act and in addition jurisdiction to exempt from the special rates imposed under the terms of 12-13 George V, Chapter 122, for a period not exceeding three years any agricultural lands which in the opinion of the Court should not be called upon to bear any part of the cost of such watermains, and provided further that the Court shall have power to renew such exemptions from time to time for like or shorter periods upon the application of any interested owner.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their corporate seals attested by the hands of their proper officers in that behalf.

SIGNED, SEALED AND DELIVERED

In the presence of

(Seal)

(Seal)

THE CORPORATION OF THE CITY OF OSHAWA:

MICHAEL STARR F. E. HARE

THE CORPORATION OF THE TOWN-SHIP OF EAST WHITBY:

> WM. E. NOBLE D. F. WILSON

SCHEDULE D

ARTICLES OF AGREEMENT made in duplicate this 18th day of December, 1950.

BETWEEN:

THE CORPORATION OF THE CITY OF OSHAWA, hereinafter called the City,

OF THE FIRST PART.

-and-

THE CORPORATION OF THE COUNTY OF ONTARIO, hereinafter called the County,

OF THE SECOND PART.

Whereas upon the application of the City and the Township of East Whitby the Ontario Municipal Board has by its Order dated the 9th day of November, 1950, directed the annexation to the City of that portion of the Township of East Whitby named in the said Order and hereinafter more particularly described in Schedule A to this agreement;

AND WHEREAS by the terms of the said Order it is provided that all such adjustments of assets and liabilities as are properly the subject of adjustment between the affected municipalities shall be made as such municipalities may agree among themselves, or in default of such agreement as the Board may order;

AND WHEREAS it has been agreed by and between the parties hereto as hereinafter set out;

Now Therefore This Agreement Witnesseth that the parties hereto mutually covenant and agree to and with each other as follows:

- 1. For the purposes of this agreement the term "annexed area" shall mean the lands covered by the Order of annexation of the Ontario Municipal Board hereinbefore referred to and more particularly described in Schedule A to this agreement; "Board" shall mean the Ontario Municipal Board; "Order of the Board" shall mean the Order of annexation hereinbefore referred to dated the 9th day of November, 1950; "Township" shall mean the Township of East Whitby.
- 2. Any surplus funds on hand with the County in any of the following accounts, namely: County Home Account, General Account, County Road Account and Suburban Road Account, as shown by the books of the County at December 31st, 1950, shall be paid by the County to the City in the same proportion as the 1950 equalized assessment of the annexed area bears to the 1950 equalized assessment of the County. Against such indebtedness of the County to the City shall be set and deducted any deficit in any of the foregoing accounts as shown by the books of the County at December 31st, 1950, and in the event of such deficit exceeding the surplus funds on hand in all of the said accounts then the City shall pay the amount of such deficit to the County in the same proportion as the 1950 equalized assessment of the annexed area bears to the 1950 equalized assessment of the County. For the purposes of this agreement the Suburban Road Account shall be deemed to be one-half of the total account in the hands of the County for suburban road purposes, the other half being in the amount supplied by the City in respect of its half interest in such suburban roads.
- 3. The debenture indebtedness, including principal and interest, of the County as outstanding and unpaid on December 31st, 1950 (excluding any debentures issued by the County during 1950), shall be borne and paid by the City in the same proportion as the 1950 equalized assessment of the annexed area bears to the 1950 equalized assessment of the County, and such payments shall be made by the City to the County from time to time as required to meet such debenture indebtedness as it falls due.

549

- 4. Notwithstanding the foregoing the City shall not be liable to bear any portion of any debenture debt of the County relating to debentures issued during the year 1950.
- 5. For the purpose of making the computations necessary by reason of this agreement and of the Order of the Board the County shall compute the amount of the equalized assessment of the County upon which County taxes were levied in the years 1926 to 1950 inclusive, both with and without the annexed area. For the purposes of this agreement, where the term "equalized assessment" is used with reference to any year or term of years it shall mean equalized assessments upon which County rates were levied during such year or term of years.
- 6. For the purposes of accounting between the City and the County the valuation of the lands and buildings of the Home for the Aged for the County of Ontario shall be \$51,708.96 less the amount of the selling price of any lands and buildings which shall have been sold before the 31st day of December, 1950.
- 7. The City shall contribute to the County from time to time, upon demand made by the County with particulars of such liability, the cost of maintenance of wards of any Children's Aid Society the charges for whose maintenance are payable by the County and which charges were imposed upon the County by reason of residence in the annexed area or by reason of the ward having been taken into custody in the annexed area, and from and after the first day of January, 1951, the City shall assume and discharge any liability for the cost of maintenance of any such wards admitted on or after that date whose residences are traceable to the annexed area. In cases where the residence giving rise to liability of the County is partly residence within the annexed area and partly residence within the other parts of the County, then the liability shall be shared between the City and the County according to the proportionate periods of residence in each area.
- 8. The City shall contribute to the County from time to time, upon demand made by the County with particulars of such liability, the cost of maintenance of indigent patients in any public hospital covering hospital treatment from and after the first day of January, 1951, the charges for whose maintenance are payable by the County and which charges were imposed on the County by reason of residence in the annexed area, and from and after the first day of January, 1951, the City shall assume and discharge any liability for the cost of maintenance of any such indigent patients admitted on or after that date whose residences are traceable to the annexed area. In cases where the residence giving rise to liability of the County is partly residence within the annexed area and partly residence within the other parts of the County, then the liability shall be shared between the City and the County according to the proportionate periods of residence in each area.
- 9. The City shall contribute to the County from time to time, upon demand made by the County with particulars of such liability, the cost of maintenance of residents of the Home for the Aged for the County of Ontario from and after the first day of January, 1951, the charges for whose maintenance are payable by the County and which charges were imposed on the County by reason of residence in the annexed area, and from and after the first day of January, 1951, the City shall assume and discharge any liability for the cost of maintenance of any such residents of the Home for the Aged for the County of Ontario admitted on or after that date whose residences are traceable to the annexed area. In cases where the residence giving rise to liability of the County is partly residence within the annexed area and partly residence within the other parts of the County, then the liability shall be shared between the City and the County according to the proportionate periods of residence in each area.
- 10. The City shall contribute to the County from time to time, upon demand made by the County with particulars of such liability, the cost of maintenance or other proper charges under *The Training Schools Act*, 1939, for any boy or girl committed to a Training School within the meaning of the said Act, from and after the first day of January, 1951, the charges

for whose maintenance are payable by the County and which charges were imposed on the County by reason of residence in the annexed area, and from and after the first day of January, 1951, the City shall assume and discharge any liability for the cost of maintenance of any such boy or girl committed to a Training School within the meaning of the said Act on cr after that date whose residences are traceable to the annexed area. In cases where the residence giving rise to liability of the County is partly residence within the annexed area and partly residence within the other parts of the County, then the liability shall be shared between the City and the County according to the proportionate periods of residence in each area.

- 11. Any valuations necessary for the purposes of this agreement and in order to compute the balances payable under the terms of paragraphs 12, 13, 14 and 15 hereof shall be as may be agreed upon by the representatives chosen for the purpose by the City and the County and in default of any such agreement shall be fixed by the Board.
- 12. The County shall pay to the City a sum of money representing the proportionate interest of the annexed area in the following property of the County, namely:
 - (a) Road machinery and equipment;
 - (b) Gravel pits;
 - (c) County garage and warehouses;
 - (d) Furnishings of the Home for the Aged for the County of Ontario;
 - (e) Farm machinery and equipment of the Home for the Aged for the County of Ontario.

The proportionate interest shall be computed as being that portion of the value of the said assets that bears the same relation to their total value as the average equalized assessment of the annexed area for the period of ten years last preceding the 31st day of December, 1950, bears to the average equalized assessment of the County for the same period.

- 13. The County shall pay to the City a sum of money representing the proportionate interest of the annexed area in the livestock and feeds on hand at the 31st day of December, 1950, at the farm of the Home for the Aged for the County of Ontario, such proportionate interest to be computed as being that portion of the value of the said assets that bears the same relation to their total value as the average equalized assessment of the annexed area for the year 1950 bears to the average equalized assessment of the County for the same period.
- 14. The County shall pay to the City a sum of money representing the proportionate interest of the annexed area in the furnishings of the offices of the Assessor, the Clerk-Treasurer and the County Engineer and in the furnishings of the Council Chambers of the County Buildings and in the lands and in the buildings of the Home for the Aged for the County, such proportionate interest to be computed as being that portion of the value of the said assets that bears the same relation to their total value as the average equalized assessment of the annexed area for the period of twenty-five years last preceding the 31st day of December, 1950, bears to the average equalized assessment of the County for the same period.
- 15. The valuation for the purposes of this agreement of land, buildings, machinery and equipment pertaining to the Road Department of the County shall be taken to be fifty per cent of the actual value as determined by the representatives of both municipalities or otherwise under the terms of this agreement, the other fifty per cent being represented by the sums invested in such property and equipment provided in the form of subsidies of the Department of Highways of the Province of Ontario.
- 16. The interest of the City in common with the County in the County Buildings, including the County Jail, County Registry Office, Court House and County Offices and the sites thereof, shall be increased

by a proportion or share computed as being that portion of the value of the said assets that bears the same relation to $87\frac{1}{2}\%$ of their total value as the average equalized assessment of the annexed area for the period of twenty-five years last preceding the 31st day of December, 1950, bears to the average equalized assessment of the County for the same period. Such additional proportion or value shall be calculated upon $87\frac{1}{2}\%$ of the total value of the said lands and buildings immediately prior to the Order of the Board. This paragraph shall not be construed as an admission of any property interest of the City in the said lands and buildings.

17. For the purposes of this agreement the valuation of the lands and buildings of the Children's Shelter of the County of Ontario and the City of Oshawa is fixed at the sum of \$34,450.00, the said lands and buildings having been the property in equal shares of the City and the County. It is, therefore, agreed that the interest of the annexed area in the said Children's Shelter is represented by the sum of \$1,348.20, which is computed as the same proportion of the value of one-half of the said lands and buildings as the average equalized assessment of the annexed area for the last thirteen years bears to the average equalized assessment of the County for last thirteen years. The County, therefore, agrees to pay to the City the said sum of \$1,348.20 in full satisfaction of the interest of the annexed area in the said lands and buildings so that the ownership of the said lands and buildings shall remain vested in equal shares in the City and the County.

18. Any payments to be made to the City by the County under the provisions of paragraphs 2, 12, 13, 14 and 17 shall be paid not later than the 31st day of December, 1951.

19. It is further declared and agreed by and between the parties hereto that the Order of the Board together with this agreement is intended to constitute the basis of settlement of all matters relating to annexation as defined by the Order of the Board, but that any matter properly the subject of adjustment between or among the said parties and not covered by the terms of the Order of the Board and of this agreement shall not by reason of such omission be deemed to have been waived by any of the municipalities or other parties affected but shall be the subject from time to time of further negotiation and adjustment on a fair and equitable basis between the said affected parties and failing agreement accordingly shall be determined by Order of the Board upon the application of any interested municipality or other party, and it is agreed that notwithstanding any Statutory provision to the contrary lapse of time shall not be a bar to any such negotiation and adjustment or application to the Board.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their corporate seals attested by the hands of their proper officers in that behalf.

SIGNED, SEALED AND DELIVERED

In the presence of

(Seal)

(Seal)

The Corporation of the City of Oshawa:

MICHAEL STARR F. E. HARE

THE CORPORATION OF THE COUNTY OF ONTARIO:

RAE M. FERGUSON WM. S. MANNING

Schedule A

To agreement dated the 18th day of December, 1950, between the Corporation of the City of Oshawa and the Corporation of the County of Ontario.

ALL AND SINGULAR those certain parcels or tracts of lands and premises, situate, lying and being in the Township of East Whitby, in

the County of Ontario, and being composed of parts of the Broken Front, First, Second, Third and Fourth Concessions in the said Township of EastWhitby, and being more particularly described as follows: Commencing at a point where the easterly limit of Lot 10 in the Broken Front Concession of the Township of East Whitby meets the water's edge of Lake Ontario; thence northerly along the easterly limit of said Lot 10 in the Broken Front Concession two thousand nine hundred and eighty-four feet four inches to a point; thence south seventy-six degrees fifty-three minutes thirty seconds west ninety-seven feet seven inches to a point; thence north forty-two degrees thirty-six minutes thirty seconds west one hundred and seventy-seven feet eleven inches to a point; thence north eighty-seven degrees thirty-two minutes west one hundred and ten feet four inches to a point; thence north twenty-five degrees three minutes west two hundred and forty-seven feet five inches to a point; thence north six degrees eleven minutes west one hundred and eleven feet two inches to a point; thence north fifty-five degrees fifty-three minutes, thirty seconds west seventyfive feet two inches to a point; thence north thirty-four degrees thirty-five minutes thirty seconds west one hundred and eighty-eight feet nine inches to a point; thence north forty degrees seven minutes west one hundred and twenty-seven feet to a point in the southerly limit of Thomas Street; thence into and along Thomas Street in a westerly direction to its intersection with Cedar Street; thence northerly along Čedar Street to a point opposite the northerly limit of Lot 3 as marked on Registered Plan 180; thence westerly along the said northerly limit of said Lot 3 and its production westerly to the westerly limit of Reserve Block A on said Registered Plan; thence northerly along said westerly limit of said Reserve Block A on said plan to Glen Street; thence northerly along Glen Street to the northerly limit thereof; thence northerly along the westerly limit of Lot C-30 according to Sheet 31 of the Municipal Plan of the City of Oshawa to the lands of the Canadian National Railway Company; thence westerly along the southerly limit of the Canadian National Railway Company's lands to Park Road; thence northerly along Park Road to the northerly extremity thereof at Gibbs Avenue; thence continuing northerly along the westerly limit of Lot C-2 according to Sheet 11 of the Municipal Plan of the City of Oshawa to the Concession Road between the Second and Third Concessions in the said Township of East Whitby, said Concession Road being now known as Rossland Road; thence easterly along Rossland Road to Wilson Road; thence southerly along Wilson Road to the Base Line Road, now known as Bloor Street; thence continuing southerly along the unopened allowance for road between Township Lot 6 in the Broken Front Concession of the Township of East Whitby and Township Lot 7 in the said Broken Front Concession now in the City of Oshawa to Harbour Road; thence in an easterly direction along Harbour Road to a road between Lots 5 and 6 in the Broken Front Concession known as Lyman Road; thence along Lyman Road to its southerly extremity; thence from a point at the south-easterly extremity of Lyman Road on a course south forty-three degrees twenty minutes forty-five seconds east seven hundred and fourteen feet three and one-half inches more or less to the water's edge of Lake Ontario; thence in an easterly direction along the water's edge of Lake Ontario to the allowance for road between the Township of East Whitby and the Township of Darlington, being the boundary between the Counties of Ontario and Durham; thence northerly along the said road marking the County line to a point opposite the line dividing the north and south halves of Lot 1 in the Second Concession of the said Township of East Whitby; thence westerly along the line dividing the north and south halves of Lots 1, 2, 3, 4 and 5 in the said Second Concession of the Township of East Whitby to the westerly limit of said Lot 5; thence northerly along the line dividing Lots 5 and 6 in the said Second Concession of the Township of East Whitby to the northerly limit of the said Second Concession; thence continuing across the Concession Road between the Second and Third Concessions of the Township of East Whitby and along the line dividing Lots 5 and 6 in the Third Concession of the said Township of East Whitby to a point one thousand six hundred and fifty feet north of the said Concession Road between the said Second and Third Concessions; thence westerly parallel with the said Concession Road to and across the road dividing Lots 6 and 7 in the Third Concession of the Township of East Whitby to the line dividing Lots 7 and 8 in the said Third Concession; thence northerly along the line dividing said Lots 7 and 8 in the Third Concession to and across the road

dividing the Third and Fourth Concessions in the said Township of East Whitby and continuing along the line dividing Lots 7 and 8 in the Fourth Concession to a point midway between the south and north limits of the said Fourth Concession; thence westerly on a line parallel with the Concession Road dividing the Third and Fourth Concessions to the easterly limit of the Township of Whitby; thence southerly along the easterly limit of the Township of Whitby to the water's edge of Lake Ontario; thence in an easterly direction along the water's edge of Lake Ontario to the place of beginning.



CHAPTER 111

An Act respecting the City of Ottawa

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

WHEREAS the Corporation of the City of Ottawa by Preamble. its petition has prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Orders of the Ontario Municipal Board P.F. B-8464 Municipal dated the 12th day of October, 1949, P.F. C-1563 dated the orders re 9th day of December, 1949, P.F. B-8464 dated the 2nd day annexation of March, 1951, and P.F. C-1563 dated the 2nd day of March, 1951, set out as Schedules A, B, C and D hereto respectively, are hereby confirmed.
- 2. The acquisition by Ottawa Transportation Commission Acquisition of the transportation system of Eastview Bus Service Limited of bus by the purchase of the capital stock of Eastview Bus Service confirmed. Limited and of Greenberg and Bessin Holdings Limited is hereby ratified and confirmed.
- 3.—(1) Clause a of subsection 1 of section 4 of The City 1950, of Ottawa Act, 1950 is amended by inserting after the word c. 109, s. 4, "Act" in the tenth line the words "and for such purposes the amended. Corporation of the City of Ottawa may exercise all the powers conferred upon a township by section 64 of the said Act".
- (2) Clause b of subsection 1 of the said section 4 is amended $^{1950}_{c.\ 109}$, s. 4, by adding at the end thereof the words "and the Corporation subs. 1, cl 1 of the Township of Gloucester shall be deemed to have had, amended. and the Corporation of the City of Ottawa shall have, authority to include as part of the said works the installation of private drains and water service pipes between the street lines and the buildings erected on the abutting properties".
- 4. This Act shall come into force on the day it receives Commence-the Royal Assent.
 - 5. This Act may be cited as The City of Ottawa Act, 1951. Short title.

SCHEDULE A

P.F. B-8464

THE ONTARIO MUNICIPAL BOARD

Wednesday, the Twelfth day of October, A.D. 1949.

BEFORE:

R. S. COLTER, K.C., Chairman, and

W. J. Moore, O.L.S., Member. In the Matter of Section 23 of "The Municipal Act" (R.S.O. 1937, Chapter 266) (as enacted by O.S. 1939, Chapter 30, Section 2, and amended and reenacted by O.S. 1947, Chapter 69, Section 2 (1)), and

In the Matter of an application by The Corporation of the City of Ottawa for the annexation thereto of certain lands in the Township of Nepean.

Upon the Application of The Corporation of the City of Ottawa, The Corporation of the County of Carleton and The Corporation of the Township of Nepean consenting thereto;

The Board Orders pursuant to Section 49 of *The Ontario Municipal Board Act* (R.S.O. 1937, Chapter 60) that Order P.F. B-8464, dated the 6th day of December, 1948, as varied by Order dated the 28th day of February, 1949, be and the same is hereby further varied,—

- (a) by striking out the schedule thereto and inserting in lieu thereof Schedule "A" to this Order;
- (b) by adding to paragraph nine (9) of the said Order the following subparagraph:
 - "(3) The easterly ward shall be known as 'Westboro Ward' and the westerly ward shall be known as 'Carleton Ward'."

(Seal)

(Signed) R. S. Colter,
Chairman.

Schedule A

ALL AND SINGULAR that certain part of the Township of Nepean in the County of Carleton and Province of Ontario which may be more particularly described as follows:

Commencing at a point where the division line between Lots 17 and 18, Concession 1 (Ottawa Front), intersects the southerly shore-line of the Ottawa River; thence southerly and along the said division line and the same produced to its intersection with the southerly limit of the road allowance between Concessions 1 and 2 (Ottawa Front); thence easterly and along the southerly limit of the said road allowance between Concession 1 and 2 (Ottawa Front) to its intersection with the division line between Lots 18 and 19, Concession 2 (Ottawa Front); thence southerly and along the division line between said Lots 18 and 19, Concession 2 (Ottawa Front) and the same produced in a straight line across the road allowance between Concession 2 (Ottawa Front) and Concession 3 (Rideau Front) to a point distant 120 feet southerly measured at right angles from the southerly limit of the said last mentioned road allowance; thence easterly along a line drawn parallel to and distant 120 feet southerly measured at

right angles from the southerly limit of the said road allowance between Concession 2 (Ottawa Front) and Concessions 3, 2 and 1 (Rideau Front), the said road allowance being commonly known as the Base Line Road, to its point of intersection with the division line between the easterly and westerly halves of Lot 35, Concession 1 (Rideau Front), the said division line also being the westerly boundary of a plan registered in the Registry Office for the County of Carleton as number 375; thence northerly along said last mentioned division line to its intersection with the centre line of a 10 foot laneway lying between the said road allowance, known as the Base Line Road and Granton Avenue, as shown on said registered Plan number 375; thence easterly along the centre line of the said 10 foot laneway and the same produced and continued across Cordova Street, Bassano Street, Pender Street and St. Helen's Place, all as shown on said Plan 375 to its intersection with the westerly limit of Lot 2390 as shown on said Plan 375; thence northerly along the westerly limit of said Lot 2390 to the northerly limit thereof; thence easterly along the northerly limit of said Lot 2390 to the westerly limit of the road allowance between Concessions 1 and A (Rideau Front); thence northerly along the westerly limit of the said last mentioned road allowance to a point distant 120 feet southerly when measured at right angles from the southerly limit of the said Base Line Road; thence easterly along a line drawn parallel to and distant 120 feet southerly measured at right angles from the southerly limit of the road allowance between Lots 35 and N, Concession A (Rideau Front), commonly known as the said Base Line Road, to its intersection with the westerly limit of Lot 20 as shown on a plan registered in the Registry Office for the County of Carleton as number 30; thence southerly along said last mentioned westerly limit to a point in said westerly limit distant 175 feet more or less southerly measured from the northerly limit of said Lot 20, the said last mentioned point being the northwesterly angle of the lands described in an instrument registered in the Registry Office for the County of Carleton as number 59735; thence easterly along the northerly limit of the lands in said instrument number 59735 a distance of 330 feet more or less to the easterly limit of said Lot 20; thence northerly along the easterly limit of said Lot 20 to a point distant 120 feet southerly, measured at right angles from the southerly limit of the said road allowance known as the Base Line Road; thence easterly along a line drawn parallel to and distant 120 feet southerly measured at right angles from the southerly limit of the said Base Line Road to the westerly limit of Lot 16, as shown on said Plan number 30; thence southerly along the westerly limit of said Lot 16 to a point in said westerly limit distant 150 feet southerly from the northerly limit of said Lot 16, the said last mentioned point being the northwesterly angle of the lands described in an instrument registered in the Registry Office for the County of Carleton as number statistical in the Registry Office for the County of Carleton as number 52501; thence easterly along the northerly limit of the lands described in said instrument number 52501 and the same produced and continued in a straight line to a point in the westerly limit of the lands described in a deed from one Alexander Labeau to Henry Leaver dated January 23, 1933, and registered in the Registry Office for the County of Carleton as number 43610, the said last mentioned point being distant 150 feet southerly measured along the said westerly limit of the lands described in said instrument number 43610; thence southerly along the westerly limit of the lands described in said instrument number 43610 to the northerly limit of the macadamized road, known as the Merivale Road. which crosses the said lot; thence easterly along the northerly limit of the said macadamized road, known as the Merivale Road, to a point in said limit distant 120 feet southerly when measured at right angles from the southerly limit of the said road allowance between Lots 35 and N, Concession A (Rideau Front), known as the Base Line Road; thence easterly along a line drawn parallel to and distant 120 feet southerly measured at right angles from the said last mentioned road allowance to its intersection with the southerly limit of the said macadamized road, known as the Merivale Road; thence easterly along the southerly limit of the said last mentioned road to its intersection with the northeasterly angle of the lands described in an instrument registered in the Registry Office for the County of Carleton as number 54986; thence southerly along the easterly limit of the lands in said instrument number 54986 to a point in said easterly limit distant 120 feet southerly measured at right angles from the southerly limit of the said road allowance between Lots 35 and N, Concession A (Rideau Front), known as the Base Line Road; thence

easterly along a line drawn parallel to and distant 120 feet southerly measured at right angles from the southerly limit of the said last mentioned road allowance to a point distant 120 feet westerly measured at right angles from the westerly limit of the road allowance between Concessions A and B (Rideau Front), the said last mentioned road allowance being more commonly known as Fisher Avenue; thence southerly along a line drawn parallel to and distant 120 feet westerly measured at right angles from the westerly limit of the said last mentioned road allowance to a point distant 120 feet southerly measured at right angles from the southerly limit of the travelled road through Lot 31, Concession A (Rideau Front), commonly known as the Ottawa Dairy Sideroad; thence easterly along a line drawn parallel to and distant 120 feet southerly measured at right angles from the southerly limit of the said last mentioned travelled road and continuing easterly along a line drawn parallel to and distant 120 feet southerly measured at right angles from the southerly limit of the travelled road through Lot 31, Concession B (Rideau Front) and its production easterly in a straight line to the centre line of the channel of the Rideau River; thence downstream in a northerly and easterly direction following the centre of the channel of the said Rideau River to the westerly limit of Bronson Avenue produced; thence northerly along the production of and the westerly limit of Bronson Avenue to the centre of the channel of the Rideau Canal; thence southwesterly and following the centre of the channel of the Rideau Canal to the westerly limit of the right of way of the Canadian Pacific Railway; thence northwesterly and following the said westerly limit of the right of way of the Canadian Pacific Railway to the southerly limit of Carling Avenue; thence westerly along the southerly limit of Carling Avenue to the easterly limit of Fisher Avenue; thence southerly and along the easterly limit of Fisher Avenue to a point opposite the production easterly in a straight line of the division line between the north and south halves of Lot K, Concession A (Rideau Front); thence westerly and along the last mentioned division line to a point distant 379.9 feet easterly from the easterly limit of the Merivale Road; thence northerly and parallel with the easterly limit of the Merivale Road a distance of 412.5 feet; thence southwesterly in a straight line to a point on the easterly limit of the Merivale Road distant 294.22 feet southerly from the southerly limit of Anna Street; thence northerly along the easterly limit of the Merivale Road to the southerly limit of Carling Avenue; thence westerly along the southerly limit of Carling Avenue to the production southerly of the division line between Lots 33 and 34, Concession 1 (Ottawa Front); thence northerly and along said division line between Lots 33 and 34 and the same continued northerly along the centre line of Western Avenue to the northerly limit of Scott Street; thence easterly along the northerly limit of Scott Street to the westerly limit of Parkdale Avenue; thence northerly along the westerly limit of Parkdale Avenue and its production northerly to the boundary line between the Province of Ontario and the Province of Quebec (being the centre of the channel of the Ottawa River); thence in a westerly direction following the said Interprovincial Boundary Line to a point opposite the production northerly in a straight line of the division line between Lots 17 and 18, Concession 1 (Ottawa Front); thence southerly and along said last mentioned division line to the point of commencement.

SCHEDULE B

P.F. C-1563

THE ONTARIO MUNICIPAL BOARD

Friday, the Ninth day of December, A.D. 1949.

BEFORE:

W. P. NEAR, B.A.Sc., Vice-Chairman, and

R. Howard Yeates, Member.

IN THE MATTER OF SECTION 23 of "The Municipal Act" (R.S.O. 1937, Chapter 266), (as reenacted by O.S. 1939, Chapter 30, Section 2 and as amended by O.S. 1947, Chapter 69, Section 2), and;

In the Matter of an application by The Corporation of the City of Ottawa and Township of Gloucester for annexation to the City of Ottawa approximately 14,605 acres of the Township of Gloucester in the County of Carleton more particularly described in Schedule "A" attached hereto.

Upon the application of The Corporation of the City of Ottawa and of the Corporation of the Township of Gloucester in the presence of counsel for the Applicants, counsel for the Corporation of the County of Carleton, counsel for the Ottawa Public School Board, counsel for the Ottawa Separate School Board, counsel for Uplands Bus Line Limited, counsel for Eastview Bus Service Limited and counsel for certain owners of property within the area proposed to be annexed and of certain property owners and residents of the Township of Gloucester who appeared in person and upon reading By-law No. 138-49 of The Corporation of the City of Ottawa and By-law No. 46-49 of The Corporation of the Township of Gloucester, filed with the Board, authorizing this application and upon hearing evidence adduced at a public hearing held at Ottawa on Thursday, the 10th day of November, 1949, pursuant to notice given in accordance with the direction of the Board, and upon hearing what was alleged by counsel aforesaid and by the aforesaid property owners and residents.

The Board Orders under and pursuant to section 23 of *The Municipal Act* (R.S.O. 1937, Chapter 266) (as re-enacted by O.S. 1939, Chapter 30, Section 2 and as amended and re-enacted by O.S. 1947, Chapter 69, Section 2) that that part of the Township of Gloucester described in Schedule "A" hereto be and the same is hereby annexed to the City of Ottawa.

THE BOARD FURTHER ORDERS:

- 1. That the lands annexed to the City of Ottawa by this order (hereinafter referred to as the "annexed lands") shall be added to the assessment rolls of the City of Ottawa for the year 1949 and, subject to the exemptions provided by any act, and except as hereinafter provided, shall be liable to taxation by The Corporation of the City of Ottawa in the year 1950 and thereafter at the same rates as other lands in the City of Ottawa.
- 2. That the assessment of the annexed lands made by The Corporation of the Township of Gloucester in the year 1949, including business assessment, as finally revised and confirmed, together with all additions to the assessment rolls under the provisions of section 57a of *The Assessment Act*

shall, subject to the provisions of paragraph 4 below, be the assessment upon which The Corporation of the City of Ottawa shall levy taxation in respect of the said lands in the year 1950.

- 3. (1) That all proceedings under *The Assessment Act* in respect of the said assessments made by The Corporation of the Township of Gloucester in 1949 which have not been completed by the Court of Revision of the Township of Gloucester on the 31st day of December, 1949, shall be continued and completed by such court as if the annexed lands had not been annexed to the City of Ottawa.
- (2) That prior to the 1st day of January, 1950, all such proceedings shall be conducted on behalf of the municipality by The Corporation of the Township of Gloucester and on and after such date all such proceedings shall be conducted on behalf of the municipality by The Corporation of the City of Ottawa.
- 4. (1) That taxes other than local improvement rates upon all parcels of land in the area to be annexed consisting of five acres or more which on the 31st day of December, 1949, are used solely for agricultural purposes and are not subdivided shall in the years 1950, 1951, 1952, 1953 and 1954 be the same amount as the taxes imposed by The Corporation of the Township of Gloucester in the year 1948 and section 42 of *The Assessment Act* shall not apply during this period, provided that, if before the 31st day of December, 1954
 - (a) any such parcel of land is subdivided in whole or in part, or
 - (b) any such parcel of land ceases to be wholly used for agricultural purposes, or
 - (c) water service is made available

the fixation of taxation provided by this subparagraph shall, subject to the next following subparagraph, cease to apply and the parcel of land affected shall forthwith upon the happening of any of the events mentioned in clause (a), (b) or (c) above be assessed and taxed as it would have been if the fixation of taxation provided by this subparagraph had not applied to it, provided also that this subparagraph shall not apply to alterations, additions, improvements and new structures, which shall be assessed in accordance with the provisions of *The Assessment Act*; and

- (2) That where water service is made available to any parcel of land entitled to fixation of taxation under the above subparagraph, the cessation of fixation shall apply only to that part of the parcel lying within 100 feet of the highway in which the water main is laid and the remainder of the parcel of land, if it otherwise complies with the requirements of the above subparagraph shall continue to be entitled to the fixation of taxation provided by such subparagraph.
- (3) That all other lands in the area to be annexed which are not provided with water service on the 31st day of December, 1949, shall in the years 1950, 1951, 1952, 1953 and 1954 be taxed upon the assessment made by The Corporation of the Township of Gloucester in the year 1949, provided that if such water service is made available before the 31st day of December, 1954, the fixed assessment provided by this subparagraph shall cease to apply and upon such water service being made available the parcel of land affected shall forthwith be assessed and taxed as it would have been if the fixed assessment provided by this subparagraph had not applied to it, provided also that this subparagraph shall not apply to alterations, additions, improvements and new structures, which shall be assessed in accordance with the provisions of *The Assessment Act*.
- 5. (1) That all taxes imposed by The Corporation of the Township of Gloucester upon the annexed lands up to the 31st day of December, 1949, and all arrears of taxes then owing on the said lands shall remain the property of The Corporation of the Township of Gloucester.
- (2) That The Corporation of the Township of Gloucester shall furnish The Corporation of the City of Ottawa with a special collector's

roll showing all arrears of taxes owing in respect of the annexed lands up to the 31st day of December, 1949, and the persons assessed therefor, and The Corporation of the City of Ottawa shall have the right to collect such arrears of taxes in the same manner and with all the rights and powers, including the right to sell lands for arrears of taxes, provided by *The Assessment Act* or any other Act, as fully and effectually as if the said taxes had been levied by The Corporation of the City of Ottawa.

- (3) That The Corporation of the City of Ottawa shall pay the proceeds of the collection of such arrears of taxes to The Corporation of the Township of Gloucester after deducting therefrom the proper costs and expenses of collecting the same, and The Corporation of the City of Ottawa shall not be responsible to The Corporation of the Township of Gloucester for any of such arrears of taxes which it may be unable to collect.
- (4) That The Corporation of the Township of Gloucester shall indemnify and save harmless The Corporation of the City of Ottawa from all loss, damages, costs and expenses arising from any act or omission of The Corporation of the Township of Gloucester or its officers or servants in connection with the said special collector's roll.
- 6. (1) That The Corporation of the Township of Gloucester shall in 1949 prepare a special voters' list under *The Voters' Lists Act* in respect of the area annexed and The Corporation of the City of Ottawa may use such list for the purpose of the election hereinafter referred to in the same manner and to the same extent as if the said list had been prepared by The Corporation of the City of Ottawa.
- (2) That The Corporation of the City of Ottawa shall as soon as reasonably may be after the date of this order, hold an election at which two aldermen and two separate school trustees representing the ward referred to in paragraph 7 shall be elected for the year 1950 and all necessary proceedings in connection therewith (including the passing of a bylaw or by-laws to fix times and places for nominations and polling and to appoint deputy returning officers and poll clerks) may be taken by The Corporation of the City of Ottawa prior to the 1st day of January, 1950, in the same manner and to the same extent as if the annexed lands then formed part of the City of Ottawa, or may be taken after such date.
- 7. That until a redivision in respect of wards is ordered by the Board, the annexed lands shall form one ward of the City of Ottawa known as Gloucester Ward.

THE BOARD FURTHER ORDERS that in the absence of an agreement being reached between Uplands Bus Lines Limited and Ottawa Transportation Commission before the 1st day of January, 1950, respecting the purchase price payable for the assets and undertaking of Uplands Bus Lines Limited, either Uplands Bus Lines Limited or Ottawa Transportation Commission may apply to the Board to determine such price.

The Board Further Orders that in the event of The Corporation of the City of Ottawa and each of the following school boards namely: The Ottawa Public School Board, The Ottawa Separate School Board and The Ottawa Collegiate Institute Board being unable to agree before the 15th day of January, 1950, on the proper distribution of school rates received in respect of lands entitled to fixation of taxation under paragraph 4 above any party may apply to the Board to determine the manner in which such distribution should be made.

THE BOARD FURTHER ORDERS that unless an objection is filed with the Board pursuant to subsections 14 and 15 of section 23 of *The Municipal Act* which is not withdrawn, this order shall come into force on the 2nd day of January, 1950.

(Signed) W. P. NEAR, Vice-Chairman.

Schedule A

ALL AND SINGULAR that certain part of the Township of Gloucester in the County of Carleton and Province of Ontario which may be more particularly described as follows:

COMMENCING at a point where the existing northeasterly limit of the City of Ottawa intersects the centre line of the channel of the Ottawa River (the same being the boundary line between the Province of Ontario and the Province of Quebec); thence easterly and along said centre line of the channel of the Ottawa River to a point where said centre line is intersected by the production northerly of a straight line drawn parallel to and distant 120 feet westerly down at right angles from the westerly limit of the road allowance between Lots 20 and 21, Concession 1 (Ottawa Front); thence southerly and along said last mentioned parallel line to a point distant 2500 feet northerly measured at right angles from the northerly limit of the road allowance between Concessions 1 and 2 (Ottawa Front); thence westerly in a straight line to the northeasterly angle of Lot 20 as shown on registered Plan number 26; thence westerly and along the northerly limit of said Lot 20 to a point distant 120 feet easterly measured at right angles from the easterly limit of the road allowance (known as the Base Line Road) between the Junction Gore and the Concessions fronting on the Ottawa River; thence southerly and along a line drawn parallel to and distant 120 feet easterly measured at right angles from the easterly limit of the said last mentioned road allowance and continued across Lots 20 to 27 inclusive as shown on said registered Plan number 26 to the southerly limit of said Lot 27; thence southerly in a straight line to the most northwesterly angle of the lands described in an instrument registered in the Registry Office for the County of Carleton as number 45303; thence on a bearing of North 73° 53' East magnetic a distance of 66 feet to the most northwesterly angle of the lands described in an instrument registered in the Registry Office for the County of Carleton as number 45305; thence on a bearing of South 9° 41' East magnetic a distance of 72 feet; thence southwesterly in a straight line a distance of 135 feet more or less to a point on the easterly limit of the Public Road known as the Cyrville Road distant 96 feet southerly from the northwesterly angle of that part of the said lot described in said instrument number 45303; thence southerly in a straight line across the said Cyrville Road to a point on the westerly limit of the said road distant 120 feet easterly measured at right angles from the easterly limit of the above mentioned Base Line Road; thence southerly along a line drawn parallel to and distant 120 feet easterly measured at right angles from the easterly limit of the said Base Line Road to a point in the northerly limit of registered Plan number 465; thence easterly and along the said northerly limit of registered Plan number 465 to the rear limit of the lots fronting on the easterly limit of the said Base Line Road; thence southerly and along the rear limit of the said lots to where the same intersects the rear limit of the lots on the northerly limit of the road allowance between Concessions 1 and 2 (Ottawa Front); thence westerly and along said northerly limit to the westerly limit of Lot 4 as shown on said registered Plan number 465; thence southerly and along the said westerly limit of Lot 4 to the northerly limit of the said road allowance between Concessions 1 and 2 (Ottawa Front); thence southerly in a straight line across said last mentioned road allowance to the northeasterly angle of Lot 3 as shown on registered Plan number 23; thence southerly and along the easterly limits of Lots 3 to 9 inclusive, to the northerly limit of George Street as shown on said registered Plan number 23; thence southerly in a straight line across said George Street to the northwesterly angle of Lot 43 as shown on registered Plan number 63; thence southerly and along the westerly limits of Lots 43 and 44 as shown on said Plan 63 to the southwesterly angle of said Lot 44; thence easterly and along the southerly limit of said Lot 44 and the same produced easterly to the westerly limit of Lot 19 as shown on said Plan number 63; thence southerly and along the westerly limit of said Lot 19 to the southwesterly angle thereof; thence easterly and along the southerly limit of said Lot 19 to the southeasterly angle thereof, being the division line between the east and west halves of Lot 27, Concession 2 (Ottawa Front); thence in a southeasterly direction along a straight line joining the said last mentioned point with the southeasterly angle of Lot 24, Concession 2 (Ottawa Front) to a point where the said

straight line intersects the easterly limit of Lot 25, Concession 2 (Ottawa Front); thence southerly and along the said easterly limit of Lot 25 and the same produced and continued southerly to the southerly limit of the right of way of the Canadian Pacific Railway; thence easterly and along the southerly limit of the said right of way of the Canadian Pacific Railway to a point distant 250 feet easterly measured from the westerly limit of Lot 21, Concession 3 (Ottawa Front); thence southerly in a straight line to the southwesterly angle of Lot 23, Concession 3 (Ottawa Front); thence southeasterly in a straight line to a point where the northerly limit of the road (known as Ridge Road) between Lots 1 and 2, Concession 6 (Rideau Front) intersects the easterly limit of the right of way of the New York Central Railway; thence southeasterly and along the easterly limit of the said right of way of the New York Central Railway to the division line between the north and south halves of Lot 2, Concession 6 (Rideau Front); thence westerly and along said last mentioned division line to a point distant 200 feet easterly measured at right angles from the easterly limit of the road allowance between Concession 5 and 6 (Rideau Front); thence southerly and along a line drawn parallel to and distant 200 feet easterly measured at right angles from the easterly limit of the said road allowance between Concessions 5 and 6 (Rideau Front) to a point on the production easterly of a straight line drawn parallel to and distant 200 feet southerly measured at right angles from the southerly limit of the road allowance between Lots 5 and 6, Concession 5 (Rideau Front); thence westerly and along said last mentioned line drawn parallel to and distant 200 feet southerly measured at right angles from the southerly limit of said road allowance between Lots 5 and 6, Concession 5 (Rideau Front) and the same continued westerly along a line drawn parallel to and distant 200 feet southerly measured at right angles from the road allowance between Lots 5 and 6, Concession 4 (Rideau Front), and Lots 5 and 6, Concession 3 (Rideau Front) to a point distant 200 feet easterly measured at right angles from the easterly limit of the said road allowance between the Gore between Concessions 2 and 3 (Rideau Front) and Concession 3 (Rideau Front); thence southerly and along a line drawn parallel to and distant 200 feet easterly measured at right angles from the easterly limit of said last mentioned road allowance to a point in the production easterly of straight line drawn parallel to and distant 200 feet southerly measured at right angles from the southerly limit of the road allowance between Concession 2 (Rideau Front) and the said Gore between Concessions 2 and 3 (Rideau Front); thence westerly and along said production and continuing westerly along said last mentioned parallel line to the easterly limit of Lot 6, Concession 2 (Rideau Front), also being the existing easterly limit of Uplands Airport; thence southerly and along the said easterly limit of Lot 6, Concession 2 (Rideau Front), to the southerly limit of the said Lot 6; thence westerly and along the southerly limit of the said Lot 6 a distance of 1576.5 feet more or less to the northeasterly angle of the lands described in instrument number 38631; thence southeasterly at right angles to the previous course a distance of 1830.1 feet; thence southwesterly at right angles to the previous course a distance of 131.6 feet; thence southeasterly at right angles to the previous course a distance of 200 feet more or less to the northwesterly limit of a lane 33 feet wide, the southeasterly limit of the said lane being the half lot line between the northwesterly and the southeasterly halves of Lot 8, Concession 2 (Rideau Front); thence southwesterly and along the said northwesterly limit of lane to a point distant 120 feet easterly measured at right angles from the easterly limit of the Bowesville Road; thence southerly and along a line drawn parallel to and distant 120 feet easterly measured at right angles from the easterly limit of the said Bowesville Road to the southerly limit of the northerly half of Lot 9, Concession 2 (Rideau Front); thence westerly and along the said southerly limit of the northerly half of Lot 9, Concession 2 (Rideau Front) and the same continued westerly across the said Bowesville Road to a point distant 2815.6 feet westerly measured along said last mentioned limit from the westerly limit of the said Bowesville Road, the said point also being the northeasterly angle of the lands described in instrument number 40203; thence on a bearing of South 19° 36′ East a distance of 684 feet more or less to the southerly limit of said Lot 9, Concession 2 (Rideau Front); thence on a bearing of South 60° West along the said southerly limit of Lot 9, a distance of 1395.5 feet; thence on a bearing of North 30° 17′ West a distance of 677.4 feet to the northwesterly angle of the lands in said instrument number 40203; thence continuing northerly

in a straight line along the westerly limit of the lands described in instrument number 38640 a distance of 673 feet to the southerly limit of Lot 8, Concession 2 (Rideau Front), being the northwesterly angle of the lands in said instrument number 38640, and also being the westerly limit of Uplands Airport; thence westerly and along the southerly limit of said Lot 8 and the same produced to the westerly limit of the unopened road allowance between Concessions 1 and 2 (Rideau Front); thence northerly and along the said westerly limit of the last mentioned unopened road allowance to the southerly limit of Lot 8, Concession 1 (Rideau Front); thence westerly and along the southerly limit of said Lot 8 and the same produced westerly in a straight line to the centre line of the channel of Rideau River; thence downstream in a northerly and easterly direction following the said centre line of the channel of the Rideau River to its intersection with the production westerly of the southerly limit of Lot 7, Junction Gore, the same being southerly limit of the Village of Eastview; thence easterly and along the said production of the southerly limit of said Lot 7 and continuing easterly along the southerly limit to a point in the southerly limit of said Lot 7, distant 1900 feet measured in a westerly direction from the southeast angle of said Lot 7; thence northerly and parallel to the westerly boundary of the road allowance being in the said Junction Gore and the First Concession, Ottawa Front to the northerly boundary of the Montreal Road; thence easterly and along the northerly boundary of the said Montreal Road to the southeast angle of the Village of Clandeboye; thence northerly and along the easterly boundary of the said Village to the southerly boundary of Beechwood Cemetery; thence westerly and northerly and following the boundaries of the said Cemetery, the same being the limits of the said Village of Eastview, to the easterly limit of the Village of Rockcliffe Park; thence northerly following the said easterly limit of the said Village of Rockcliffe Park and continuing easterly, and northerly, and westerly, etc., following the limits of the said Village to the southerly limit of Princess Avenue, being the northerly limit of "Rideau Hall Domain"; thence westerly and along the southerly side of Princess Avenue to a point where the easterly side of Thomas Street produced northerly would intersect said Princess Avenue; thence on a straight line running due northwest to the water's edge of the said Ottawa River; thence westerly in a direct line to the point of commencement.

SCHEDULE C

P.F. B-8464

THE ONTARIO MUNICIPAL BOARD

Friday, the Second day of March, A.D. 1951.

BEFORE:

W. J. MOORE, O.L.S., Vice-Chairman, and

R. HOWARD YEATES, Member.

IN THE MATTER OF Section 20 of "The Municipal Act" (R.S.O. 1950, Chapter 243), and

IN THE MATTER OF Section 46 of "The Ontario Municipal Board Act" (R.S.O. 1950, Chapter 262), and

IN THE MATTER OF an application of the Corporation of the City of Ottawa for an order varying the order of the Board dated the 6th day of December, 1948, as varied by orders of the Board dated the 28th day of February, 1949 and the 12th day of October, 1949.

UPON THE APPLICATION OF the Corporation of the City of Ottawa.

THE BOARD ORDERS pursuant to Section 46 of *The Ontario Municipal Board Act* (R.S.O. 1950, Chapter 262) that Order P.F. B-8464 dated the 6th day of December, 1948 as varied by Order P.F. B-8464 dated the 28th day of February, 1949 and P.F. B-8464 dated the 12th day of October, 1949 be and the same is hereby varied:

- (a) by striking out paragraph numbered 4 and inserting in lieu thereof the following:
 - "4. All lands, including existing buildings and replacements thereof, in each township lot in that part of the annexed area which is bounded on the east by the westerly limit of the water which is bounded on the east by the westerly limit of the water area defined by By-law Number 1096 of the Corporation of the Township of Nepean as amended by By-law Number 1107 and the production southerly in a straight line of the said westerly limit to the northerly limit of Township School Section Number 12, on the south by the northerly limit of Township School Section Number 12 across Lots 26-29 inclusive, Concession 2 (Ottawa Front) and the right-of-way of the Canadian National Railway across Lots 19-25 inclusive, Concession 2 (Ottawa Front) on the west by the westerly limit of the annexed area and on the north by the northerly limit of the annexed area shall in 1949 and thereafter be assessed at the amount shown in the 1948 assessment rolls of the Corporation of the Township of Nepean until the main trunk sewer to be constructed by the Corporation of the City of Ottawa through the annexed area reaches the division line between the easterly and westerly halves of each township lot in Concession 1, after which time (when the regular annual assessment is made) all lands within the township lot in Concession 1 and the township lot bearing the same number in Concession 2 shall be assessed in accordance with the provisions of *The Assessment Act*, PROVIDED THAT in the case of lands lying to the west of the westerly terminus of the said trunk sewer as determined by the Corporation of the City of Ottawa this paragraph shall cease to apply to such lands when such sewer

reaches such terminus and such lands shall then be assessed in accordance with the provisions of *The Assessment Act*, PRO-VIDED ALSO that this paragraph shall not apply to alterations, additions, improvements and new structures which shall be assessed in accordance with the provisions of *The Assessment Act*.

- (b) by adding after paragraph number 5 the following paragraphs:
 - 5a. Every parcel of land in the annexed area not included in the area described in paragraph 4 or 5 or in the water area referred to in paragraph 4 shall in the years 1950, 1951, 1952, 1953 and 1954 be taxed on the same assessment as that made by the Corporation of the Township of Nepean in the year 1948, PRO-VIDED THAT if water service of the Corporation of the City of Ottawa is made available to the street on which the parcel of land abuts the parcel shall forthwith be assessed and taxed as it would have been if the fixed assessment provided by this paragraph had not applied to it, PROVIDED ALSO that this paragraph shall not apply to alterations, additions, improvements and new structures which shall be assessed in accordance with the provisions of The Assessment Act.
 - 5b. Notwithstanding the provisions of paragraphs 4, 5 and 5a every parcel of land (as distinct from buildings and structures on land) in the annexed area held on the 31st day of December 1949 by a war veteran under an agreement with the Department of Veterans' Affairs pursuant to the provisions of The Veterans' Land Act, 1942 (as amended) shall continue to be assessed at the amount shown in the 1948 assessment roll of the Township of Nepean until the expiration of a period of ten years after the date of the said agreement at which time such parcel of land shall forthwith be assessed and taxed in accordance with the provisions of The Assessment Act and the assessment of buildings and structures on such parcels of land shall be governed by the provisions of paragraph 4, 5 or 5a relating to the area in which such parcel of land is situate, PROVIDED THAT this paragraph shall not apply to alterations, additions, improvements and new structures which shall be assessed in accordance with the provisions of The Assessment Act.

THE BOARD FURTHER ORDERS that the amendments made by this order shall be deemed to have come into effect on the 1st day of January, 1950.

(Signed) W. J. Moore, Vice-Chairman.

567

SCHEDULE D

P.F. C-1563

THE ONTARIO MUNICIPAL BOARD

Friday, the Second day of March, A.D. 1951.

BEFORE:

W. J. Moore, O.L.S., Vice-Chairman, and

R. HOWARD YEATES, Member.

IN THE MATTER OF Section 20 of "The Municipal Act" (R.S.O. 1950, Chapter 243), and

IN THE MATTER OF Section 46 of "The Ontario Municipal Board Act" (R.S.O. 1950, Chapter 262), and

In the Matter of an application of the Corporation of the City of Ottawa for an order varying the order of the Board dated the 9th day of December, 1949.

UPON THE APPLICATION OF the Corporation of the City of Ottawa,

The Board Orders pursuant to Section 46 of *The Ontario Municipal Board Act* (R.S.O. 1950, Chapter 262), that Order P.F. C-1563, dated the 9th day of December, 1949, be and the same is hereby varied:

- (a) by striking out subparagraph (1) of paragraph numbered 4 and inserting in lieu thereof the following:
 - (1) That every parcel of land separately assessed in the area to be annexed consisting of five acres or more and used solely for agricultural purposes on the 31st day of December, 1949, shall in the years 1950, 1951, 1952, 1953 and 1954 be taxed at the same rate at which it was taxed by the Corporation of the Township of Gloucester in the year 1948, and Section 42 of *The Assessment Act* shall not apply during this period, provided that if after the 31st day of December, 1949, and before the 31st day of December, 1954,
 - (i) a parcel of land is subdivided by registered plan, or
 - (ii) a parcel of land ceases to be wholly used for agricultural purposes, or
 - (iii) water service is made available to a parcel of land, the fixation of taxation provided by this paragraph shall, subject to subparagraphs (1a) and (2), cease to apply to such parcel of land and it shall forthwith be assessed and taxed as it would have been if the fixation of taxation provided by this subparagraph had not applied to it; provided also that this subparagraph shall not apply to local improvement rates nor, except in the case of the replacement or alteration of a farm house or other farm building in any area now or hereafter zoned solely for agricultural purposes shall it apply to alterations, additions, improvements and new structures, which shall be assessed in accordance with the provisions of *The Assessment Act*.
- (b) by adding after subparagraph (1) of paragraph number 4 the following subparagraph:
 - (1a) That where any parcel of land entitled to fixation of taxation under subparagraph (1) is only partially subdivided by

registered plan after the 31st day of December, 1949, the cessation of fixation shall apply only to the subdivided part and the remainder of the parcel, if it contains five acres or more in area and otherwise complies with the requirements of subparagraph (1), shall continue to be entitled to the fixation of taxation provided by such subparagraph.

- (c) by adding at the end of paragraph numbered 4 the following subparagraph:
 - (4) That notwithstanding any other provision of this paragraph, every parcel of land (as distinct from buildings and structures on land) in the area to be annexed held on the 31st day of December, 1949 by a war veteran under an agreement with the Department of Veterans' Affairs, pursuant to the provisions of The Veterans' Land Act, 1942 (as amended) shall continue to be assessed at the amount shown in the 1949 assessment roll of the Township of Gloucester until the expiration of a period of ten years after the date of the said agreement, at which time such parcel of land shall forthwith be assessed and taxed in accordance with the provisions of The Assessment Act, and the assessment of buildings and structures on such parcels of land shall be governed by the provisions of this paragraph relating to the area in which the parcel of land is situate, provided that this paragraph shall not apply to alterations, additions, improvements and new structures, which shall be assessed in accordance with the provisions of The Assessment Act.

THE BOARD FURTHER ORDERS that the amendments made by this order shall be deemed to have come into effect on the 2nd day of January, 1950.

(Signed) W. J. Moore, Vice Chairman.

An Act respecting the Rideau Club

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

WHEREAS the Rideau Club, a corporation incorporated Preamble. by An Act to incorporate the Rideau Club of the City of Ottawa, being chapter 98 of the Statutes of the Province of Canada, 1865, by its petition has prayed that an Act may be passed for the purpose of granting to it certain general borrowing powers; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. If authorized by by-law duly passed by at least two-Borrowing thirds of the votes cast at a special general meeting of the members duly called for considering the by-law, the Rideau Club may from time to time,
 - (a) borrow money upon the credit of the Club;
 - (b) limit or increase the amount to be borrowed;
 - (c) issue bonds, debentures or other securities of the Club;
 - (d) pledge or sell such bonds, debentures or other securities for such sums and at such prices as may be deemed expedient;
 - (e) mortgage, hypothecate, charge or pledge all or any of the real and personal property, undertaking and rights of the Club to secure any such bonds, debentures or other securities or any money borrowed or any other liability of the Club,

provided that the amount which may be borrowed by the Club under authority of this Act or otherwise shall at no time exceed in the aggregate the sum of \$250,000.

Priorities of bonds, etc.

2. Any bonds, debentures and securities issued by the Club shall rank according to the respective dates of the issue thereof and nothing in this Act shall authorize the issue of any such bonds, debentures or other securities ranking in priority to or pari passu with any of the bonds, debentures and securities of the Club previously issued whether under authority of this Act or otherwise.

Repeal.

3. The following Acts and parts of Acts relating to the Club are repealed:

1889, c. 99;

(a) Sections 3, 4 and 7 of An Act respecting the Rideau Club, being chapter 99 of the Statutes of Ontario, 1889;

1896, c. 122;

(b) Sections 1 to 6 of An Act respecting the Rideau Club, being chapter 122 of the Statutes of Ontario, 1896;

1909, c. 163;

(c) Sections 1 to 8 of An Act respecting the Rideau Club, being chapter 163 of the Statutes of Ontario, 1909;

1939, c. 70.

(d) The Rideau Club Act, 1939; provided that the repeal of such Act shall not affect the validity of the loan effected under authority thereof nor the mortgage securing such loan.

Commence-

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as The Rideau Club Act, 1951.

An Act respecting the City of Sarnia

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

WHEREAS the Corporation of the City of Sarnia by Preamble. its petition has represented that on the 23rd day of October, 1950, By-law No. 3278 was passed by the council of the City for submitting to the electors the question "Are you in favour of an application being made to the Legislature to pass an Act empowering the Council to appoint and employ a salaried general administrative head, responsible to the City Council, to be known as the 'City Manager', whose duties, authority and salary are to be defined by by-law?"; that the question was submitted to the electors on the 4th day of December, 1950, and a majority of the electors voted in the affirmative; and that the council is desirous of carrying into effect the wishes of the electors; and whereas the Corporation has prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The council of the Corporation may by by-law appoint Appointment and employ a general administrative head, to be known as the Manager authorized.
 - (a) shall have such general control and management of the administration of the City's government and affairs and perform such duties as the council by by-law prescribes;
 - (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them;
 - (c) shall hold office at the will and pleasure of the council;and
 - (d) shall receive such salary as the council by by-law determines.

Commencement.

2. This Act shall come into force on the day it receives the Royal Assent.

Short title.

3. This Act may be cited as The City of Sarnia Act, 1951.

An Act respecting the City of St. Catharines

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

WHEREAS the Corporation of the City of St. Catharines Preamble. by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The council of the Corporation of the City of St. Cath-Industrial arines, with the consent of the council of the Corporation of Sites in the Township of Grantham, may exercise, in the Township Township of Grantham, the powers given to it by paragraph 63 of subsection 1 of section 388 of The Municipal Act.

 Rev. Stat., c. 243.
- 2.—(1) The council of the Corporation of the City of Railway St. Catharines may, without submitting the same to a vote of the electors qualified to vote on money by-laws, but subject to the approval of the Ontario Municipal Board, pass by-laws,
 - (a) for acquiring, by expropriation or otherwise, lands to provide rights-of-way for railway sidings in the City of St. Catharines or in the Township of Grantham to serve any industrial area;
 - (b) for authorizing an expenditure from time to time of such moneys as may be required to provide such rights-of-way for railway sidings, and to provide for the constructing and maintaining of such railway sidings;
 - (c) for issuing debentures, for any such purpose, for any term not exceeding twenty years.
- (2) Any railway sidings, or part thereof, established under sale or the authority of this section may be sold or leased, or the right to use the same or any part thereof may be granted,

for such price, rental or compensation as may be approved by the Department of Municipal Affairs.

Lands heretofore acquired. **3.** Any lands heretofore acquired, used, held or disposed of by the Corporation of the City of St. Catharines, or by Herbert Harcourt Smith, clerk of the said Corporation, in trust, for any such purpose, shall be deemed to have been acquired, used, held or disposed of under the authority of paragraph 63 of subsection 1 of section 388 of *The Municipal Act*.

Taxation.

Rev. Stat., c. 24. **4.** Any land heretofore or hereafter acquired in the Township of Grantham for any purpose set out in section 1 or 2 shall be liable, notwithstanding anything in *The Assessment Act*, to assessment and taxation in the same manner and to the same extent as it would be if not owned by the Corporation of the City of St. Catharines.

Commence-

5. This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as The City of St. Catharines Act, 1951.

An Act respecting the Incorporated Synod of the Diocese of Ontario and St. Thomas Church, **Belleville**

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

THEREAS the Incorporated Synod of the Diocese of Preamble. Ontario and the Rector of St. Thomas Church in the City of Belleville by their petition have represented that on the 20th day of May, 1830, His late Majesty King George IV did grant certain lands in the City of Belleville to the Rector and Church Wardens of the Church of England in the Town of Belleville: that after the determination of the estate thereby limited to the said Rector and Church Wardens, the said lands were to be held by His late Majesty King George IV and his successors to and for the use, benefit and advantage of the Minister of the Church at Belleville, resident and doing duty there for the time being according to the rights and ceremonies of the Church of England as more particularly set forth in the grant to the Reverend Thomas Campbell, et al, recorded the 1st day of June, 1830, Lib. E, Fol. 99, 100, 101, 102 and entered and registered in the registry office for the County of Hastings in Book V for the City of Belleville on the 4th day of January, 1884, as number 7523; that it is desirable to sell a portion of the said lands; that the said Synod, with the consent of the said Rector, has agreed to sell the said portion to The Bell Telephone Company of Canada for the sum of \$10,200; whereas doubts have arisen as to the right of the said Synod and the said Rector to convey the said portion; whereas the petitioners have prayed for special legislation to authorize the said sale; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Incorporated Synod of the Diocese of Ontario, Power to with the consent of the Rector of St. Thomas Church, Belle-lands. ville, shall have full power and authority to sell and convey to The Bell Telephone Company of Canada for the sum of

\$10,200 all that certain parcel or tract of land and premises situate, lying and being in the City of Belleville, in the County of Hastings and Province of Ontario and being composed of part of Lot 22 on the east side of Church Street according to Henry Carre's registered plan of the City of Belleville, said parcel or tract of land being more particularly described as follows:

Commencing at an iron bar planted in the easterly limit of Church Street distant southerly in said limit, 166 feet from the southerly limit of Bridge Street in said City; thence easterly parallel with the southerly limit of Bridge Street, 124 feet, 6 inches; thence southerly parallel with the said easterly limit of Church Street, 37 feet; thence westerly parallel with the said southerly limit of Bridge Street, 124 feet, 6 inches to an iron bar in the said easterly limit of Church Street, distant southerly 37 feet from the place of beginning; thence northerly in said easterly limit 37 feet more or less to the place of beginning.

When lands to vest.

2. Upon payment of the said purchase money and delivery of the deed of conveyance with respect to the sale and purchase mentioned in section 1, the said lands shall vest in The Bell Telephone Company of Canada, in fee simple and free and discharged of any and all trusts in respect of the same.

Application of purchase money.

3.—(1) The Bell Telephone Company of Canada shall not be obliged to see to the application of any of the purchase money for the lands described in section 1.

Idem.

(2) The said purchase money shall be paid to the Incorporated Synod of the Diocese of Ontario to be held in trust and invested until such time as it is required for the purchase or erection of a parsonage.

Idem.

(3) The interest accruing from the investment of the said purchase money shall be paid to the Rector and Wardens of St. Thomas Church, Belleville, and used to provide a residence for the said Rector.

The Crown.

4. This Act shall bind His Majesty.

Commencement.

5. This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as The St. Thomas Church, Belleville, Act, 1951.

577

CHAPTER 116

An Act respecting the City of St. Thomas

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

WHEREAS the Corporation of the City of St. Thomas Preamble, by its petition has prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) In addition to its powers under paragraph 92 of Bus subsection 1 of section 388 of *The Municipal Act*, the council agreement of the Corporation of the City of St. Thomas may, in any payment. agreement granting a bus franchise, agree to pay to the person Rev. Stat., to whom the franchise is granted such sum, in such instal-c. 243. ments, and on such terms and conditions as are set forth in the agreement.
- (2) The council of the Corporation may levy, in the year Levy. in which any such sum becomes due and payable or in the year next following the year in which any such sum becomes due and payable, a special rate, sufficient to provide such sum, on all the rateable property in the municipality or in the area defined in the agreement.
- (3) No agreement entered into under subsection 1 shall be Assent or valid unless it has received the assent of the electors qualified approval. to vote on money by-laws and has been approved by the Ontario Municipal Board.
- (4) Notwithstanding the provisions of subsection 3 or the Exception Provisions of section 67 of The Ontario Municipal Board Act, c. 262.
 - (a) where the term of the franchise as set forth in the agreement is for two months or less, neither the assent of the electors nor the approval of the Ontario Municipal Board shall be required; and

(b) where the term of the franchise as set forth in the agreement is for more than two months but not more than one year, only the approval of the Ontario Municipal Board shall be required.

Annexation to City;

2.—(1) The lands hereinafter described are hereby detached from the Township of Yarmouth and annexed to the City of St. Thomas, and shall form part of the City of St. Thomas for all purposes:

ALL that part of the West half of Lot Six (6) in the Ninth Concession of the Township of Yarmouth, in the County of Elgin, which lies between the South limit of the right-of-way of the Canadian National Railway (formerly Grand Trunk Railway) and the production easterly of a line One Hundred and Thirty-two Feet (132') North of and parallel to the Northerly limit of Barwick Street as shown on Registered Plan 85 and East of the Northerly production of the centre line of First Avenue as shown on Registered Plan 65, containing two-thirds (2/3) of an acre more or less.

effective date.

(2) With respect to that part of the lands described in subsection 1 lying between the North limit of the right-of-way of the Canadian National Railway and the North limit of the South Half of the said Lot Number 6, in the Ninth Concession of the Township of Yarmouth, being one of the parcels of land described in a certain tax deed registered in the Registry Office for the Registry Division of the County of Elgin as Number 56887 for St. Thomas, the annexation of the said lands to the City of St. Thomas shall be deemed to have been in force on and from the date of the said deed, being the 27th day of April, 1940, and with respect to the balance of the lands described in subsection 1, the annexation thereof to the City of St. Thomas shall be deemed to have been in force on and from the 1st day of January, 1951.

Purchases by City validated.

3.—(1) Every purchase of the lands described in the Schedule hereto made by the Corporation of the City of St. Thomas prior to the 1st day of January, 1951, is ratified, confirmed and declared to be legal, valid and binding, and every conveyance of such lands to the Corporation shall be deemed to have had the effect of vesting such land in the Corporation in fee simple or otherwise, according to the nature of the estate or interest conveyed, clear of and free from all right and interest other than that of the Corporation, and the lands so purchased shall be deemed to have been acquired for the purposes of the Corporation.

Sales by City validated.

(2) Every conveyance of the lands described in the Schedule hereto or part or parts thereof executed by the Corporation prior to the 1st day of January, 1951, and purporting to convey such lands or part or parts thereof to the grantee thereof, his heirs and assigns, or its successors and assigns, and every lease or agreement of sale agreeing to sell such

lands or part or parts thereof prior to the 1st day of January, 1951, is ratified, confirmed and declared to be legal, valid and binding, and every such conveyance shall be deemed to have had the effect of vesting such land in the grantee, his heirs and assigns, or its successors and assigns, in fee simple or otherwise, according to the nature of the estate or interest conveyed.

CITY OF ST. THOMAS

- 4. The name of St. Charles Street, commonly known as Street Charles Street, in the City of St. Thomas, as shown on a plan changed. registered as Number 140 in the Registry Office for the Registry Division of the County of Elgin, is changed to Devonshire Place.
- **5.**—(1) This Act, except section 1, shall come into force Commence-on the day it receives the Royal Assent.
- (2) Section 1 shall be deemed to have come into force on Idem. the 1st day of December, 1950.
- 6. This Act may be cited as The City of St. Thomas Act, Short title. 1951.

SCHEDULE

Α

All lots shown on plan registered in the Registry Office for the Registry Division of the County of Elgin as number 245.

В

All that part of the south three-quarters of township lot 8 in the 9th concession of the Township of Yarmouth, now in the City of St. Thomas, lying north of the northerly limit of the Canadian National Railways' right-of-way, but excepting therefrom the right-of-way of the Canadian Pacific Railway Company.



An Act respecting the City of Toronto

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

WHEREAS the Corporation of the City of Toronto by Preamble. its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of the Corporation may renew for a Authority to period of five years from the 1st day of January, 1950, an agreement agreement dated the 5th day of December, 1947, made pur- with Toronto suant to the authority contained in *The City of Toronto Act* and Tourist Association. (No. 1), 1946, with the Toronto Convention and Tourist 1946, c. 141. Association, Inc. to provide for the payment to the Association of an annual grant not exceeding \$12,500 in any year.

(2) In addition to the grant authorized by subsection 1, Further the said council may out of the current revenues of the city exceeding for the year 1951 make a further grant not exceeding \$5,000 for the maintain for the mai for the maintenance of such Association.

- 2.—(1) The council of the Corporation may make an Annual grant of an amount not exceeding \$50,000 out of the to Art College. current revenues of the city to The Art Gallery of Toronto Gallery. for the maintenance and upkeep of the art gallery.
- (2) The said council and The Art Gallery of Toronto may Amendment enter into an agreement to amend the agreement already of agreement authorized. existing between them, which agreement is set forth as Schedule A to An Act respecting the City of Toronto, being chapter 119 of the Statutes of Ontario, 1911, so as to provide for the annual payment of an amount as provided in subsection 1 instead of the annual payment of \$30,000 set forth in the said existing agreement as amended pursuant to the authority contained in An Act respecting the City of Toronto, being chapter 134 of the Statutes of Ontario, 1927.

Retirement poration. Rev. Stat., c. 243.

3. The limitation of \$2,500 prescribed in subsection 1 of allowances allowances allowances allowances allowances to officers section 257 of *The Municipal Act* which authorizes councils to grant annual retirement allowances shall not apply to the granting of such allowances to officers of the Corporation of the City of Toronto.

Commencement.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as *The City of Toronto Act*, 1951.

An Act respecting The United Church of Canada

Assented to April 5th, 1951. Session Prorogued April 5th. 1951.

HEREAS The United Church of Canada by its petition Preamble. has represented that it was incorporated under The 1924, c. 100 United Church of Canada Act (Canada) and power was given (Can.). to it to make loans and invest moneys by clause c of section 18 of that Act; that by section 21 of The United Church of Canada 1925, c. 125. Act (Ontario), the said Church and all boards, committees or other bodies established, appointed or created by it pursuant to the provisions of the Act of Incorporation or the lastmentioned Act, were given all rights, powers and privileges conferred or intended to be conferred upon it or them by such Acts or either of them within Ontario; and that an application has been made to the Parliament of Canada for legislation extending the power of The United Church of Canada to invest and re-invest its moneys, including moneys held for The Pension Fund of the said Church, in the investments in which Canadian insurance companies are authorized from time to time by the Parliament of Canada to invest and re-invest their moneys; and whereas The United Church of Canada by its petition has prayed for legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. If the Parliament of Canada authorizes The United Investments. Church of Canada to make such investments. The United Church of Canada and all boards, committees or other bodies established, appointed or created by it pursuant to The United Church of Canada Act (Canada) and The United Church of Canada Act (Ontario), shall have and may exercise within Ontario power to invest and re-invest its moneys, including moneys held for The Pension Fund of the said Church, in the investments in which Canadian insurance companies are

authorized from time to time by the Parliament of Canada to invest and re-invest their moneys, and shall have all such rights and remedies for the collection, enforcement or repayment thereof as any individual or corporation would have by law in the premises.

Commencement. **2.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

3. This Act may be cited as The United Church of Canada Act, 1951.

An Act respecting Victoria University

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

WHEREAS The Board of Regents of Victoria University Preamble. by its petition has represented that it is desirable that The Victoria University Act, 1944 be re-enacted with certain 1944, o. 86. amendments respecting the management of the said University; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation.

- (a) "Board" means The Board of Regents of Victoria University;
- (b) "faculty" means the president and all the permanent members of the staff of Victoria or Emmanuel Colleges engaged in teaching;
- (c) "graduates" means the graduates of Victoria University before federation with the University of Toronto and the graduates of the University of Toronto after federation who were enrolled in Victoria University at the time of their graduation;
- (d) "alumni of Emmanuel College" means:
 - (i) All those who have received a degree in Divinity from Victoria University, or who have received a degree in Divinity from Knox College previous to May 1, 1927, and who were connected with The United Church of Canada on August 1, 1928, or who within five years from that date elected to become alumni of Emmanuel College.

- (ii) All those who have completed a regular course in Theology prescribed for ordination to the ministry in Emmanuel College, or in the Faculty of Theology of Victoria University, or in Union Theological College.
- (iii) All those who previous to May 1, 1927, completed in Knox College a regular course prescribed for ordination to the ministry, and who were connected with The United Church of Canada on August 1, 1928, or who within five years from that date elected to become alumni of Emmanuel College.
- (iv) All ministers of The United Church of Canada who have completed one full year in Theology in Emmanuel College, or in the Faculty of Theology of Victoria University, or in Union Theological College, or prior to May 1, 1927, in Knox College.

Royal Charter. 2. The Royal Charter granted in the seventh year of the reign of His late Majesty King William the Fourth incorporating the Upper Canada Academy is hereby declared always to have been in full force and effect from the date thereof, notwithstanding anything to the contrary in any legislative enactment or otherwise and it shall remain in full force and effect.

Victoria University continued. **3.** Victoria University as established by the said Royal Charter and by Acts of the Legislature of the late Province of Canada and of the Province of Ontario is hereby declared always since the date of the Royal Charter granted in the seventh year of the reign of His late Majesty King William the Fourth to have had continuous existence, notwithstanding anything to the contrary in any legislative enactment or otherwise and it is hereby continued and shall continue as a body corporate to be called and known as Victoria University.

The Board of Regents.

4.—(1) The said Victoria University shall be under the management and administration of "The Board of Regents of Victoria University" which is hereby continued as a body corporate under that name.

Constitution of Board.

- (2) The Board shall consist of forty-three members to be elected or appointed as set out in the following sections. These members shall hold office until their successors are elected or appointed as follows:
 - (a) Twenty-two members by vote of the General Council of The United Church of Canada appointed every two years.

- (b) Four *ex officio* members, being the Chancellor of Victoria University, the President of Victoria University, the Principal of Victoria College and the Principal of Emmanuel College.
- (c) Eight members by vote of the graduates in Arts, Medicine, Science and Law of Victoria University every four years.
- (d) Five members by vote of the alumni of Emmanuel College every four years.
- (e) Four members to be elected by the before-mentioned thirty-nine members according to the regulations which may be made from time to time by the Board.
- (3) If a vacancy occurs in the Board from among the Vacancies. members elected by the General Council of The United Church of Canada, such vacancy shall be filled by the executive committee of the said General Council. If a vacancy occurs from among the other members of the Board, the vacancy shall be filled by the Board, but in the case of a vacancy from among the members elected by the graduates or by the alumni, the Board shall appoint a graduate or alumnus, as the case may be, to fill the vacancy.
- 5.—(1) The Board shall have in addition to the powers, Power to rights and privileges mentioned in section 27 of The Inter-Rev. Stat., pretation Act power to purchase, acquire, take and hold by c. 184. gift, devise or otherwise real and personal property for the purpose of the University without licence in mortmain and may grant, sell, mortgage, lease and otherwise dispose of the same or any part thereof.
- (2) The real and personal property vested in the Board Exemption and any lands and premises leased to or occupied by the Board from taxashall not be liable to taxation for provincial, municipal or school purposes, and shall be exempt from every description of taxation; but except as mentioned in subsection 3 and unless otherwise by law exempt, the interest of every lessee under a lease from the Board and every occupant other than the Board of real property vested in the Board shall be liable to taxation.
- (3) The liability to taxation of the interest of a lessee or Idem. occupant mentioned in this section shall not extend to the interest of a lessee or occupant being a member of the teaching staff or an officer or servant of Victoria University who, or being an association of undergraduates or an incorporated society of undergraduates or of graduates and undergraduates which, is the lessee or occupant of any part of the property

commonly known as the University Park, composed of the north halves of park lots numbers eleven, twelve and thirteen in the first concession from the Bay, in the Township of York, now in the City of Toronto, and including that part of park lot number fourteen in the first concession described in a conveyance to Her late Majesty Queen Victoria, registered as number 8654R in the registry office for the Registry Division of the City of Toronto, but the interest of every such lessee or occupant shall be exempt from taxation.

Vesting of property.

6. All real and personal property now vested in Victoria University or in The Board of Regents of Victoria University shall be and it is hereby vested in the Board.

Duties of Board.

- 7. The Board shall,
 - (a) make such regulations as may be necessary or advisable for the holding of nominations and elections for membership on the Board;
 - (b) keep proper books of account of the financial affairs of Victoria University;
 - (c) present an annual report of the life and work of the University and its Colleges, accompanied by a duly audited financial statement, to The United Church of Canada.

Powers of Board.

- 8. The Board shall have power:
 - (a) To elect its own Chairman, Vice-Chairman, Treasurer and Secretary; to prescribe their respective duties, powers and authority, and to determine the tenure of each such office. Should a vacancy in any office occur at any time, the Board shall, at its next meeting, elect a new occupant of such office. The Secretary may or may not be a member of the Board.
 - (b) To make by-laws, rules and regulations,
 - (i) pertaining to the meetings of the Board and its transactions, for fixing the quorum of the Board and for the appointment of such committees as it may deem necessary, and for conferring on any such committees power and authority to act for the Board in and in relation to such matters as the Board may deem it expedient to delegate to a committee with power to act for the Board, and

- (ii) in respect of all such matters and things as may seem necessary or advisable for the welfare, advancement and good government of Victoria University which are not contrary to this Act or are not by this Act assigned to any other body.
- (c) To appoint a Chancellor, a President (who shall also be Vice-Chancellor), and a Registrar of Victoria University, a Principal of Victoria College, a Principal of Emmanual College, a Bursar, a Librarian, professors, lecturers, instructors, tutors, and all officers, agents and servants of the University and its Colleges and to remove the same and to determine their salaries, duties and tenure of office which, unless otherwise provided, shall be at the pleasure of the Board, provided, however, that the members of the Faculty of Emmanuel College shall be appointed or removed only by a majority vote of the members of the Board and also by a majority vote of those members of the Board elected by the General Council of The United Church of Canada present at a meeting duly called for the purpose. appointment of the Principal and professors of Emmanuel College shall be subject to confirmation by the General Council of The United Church of Canada or by a duly authorized board or committee of the General Council.
- (d) In case of vacancy in the office of President or of the absence, illness or other incapacity of the President, to appoint a Head of Victoria University for all the purposes of and with all the powers and authorities contemplated by *The University of Toronto Act*, 1947, c. 112. 1947.
- (e) To make regulations respecting and providing for the retirement and superannuation of any of the persons mentioned in clause c or the payment of a gratuity to any of them upon retirement and to provide that any superannuation or retiring allowance or gratuity shall be paid out of a fund which may be created for that purpose either with the money of the Board or from contributions from such persons or partly by both or in whole or in part from the general funds of Victoria University.
- (f) Subject to the limitations imposed by any trust as to the same, to invest all such money as shall come to the hands of the Board and is not required

to be expended for any purpose to which it lawfully may be applied, in such manner as to the Board may seem meet.

- (g) To lay out and expend such sums as the Board may deem necessary for the erection, furnishing, maintenance and equipment of such buildings as are or may be deemed necessary for the purposes of Victoria University or the students thereof; provided, however, that the Senate and the Council of the College concerned shall be invited to inspect all plans of buildings and may make suggestions with regard thereto, and that before any such suggestions are rejected there be consultation between the Senate and the Board.
- (h) To exercise all the powers for establishing faculties, departments, chairs and courses of instructions in Victoria University and its Colleges as have been conferred on Victoria University or the Board or Senate thereof by the said Royal Charter or by any Act of the Legislature of the late Province of Canada or of the Province of Ontario.
- (i) To receive and administer all gifts, legacies, devises, grants, subscriptions or donations for Victoria University and its Colleges subject to the powers of the Senate under clause e of section 10.
- (j) To impose tuition and other fees on the students of Victoria University.

The Senate. 9.—(1) There shall be a Senate of Victoria University which shall consist of the following:

The Chancellor;

The Vice-Chancellor;

Six members of the Board appointed by the Board from their number;

All active members of the permanent teaching staff of Victoria College and Emmanuel College;

All retired members of the permanent teaching staff of Victoria College and Emmanuel College who had attained the rank of a full professor;

Ten representatives elected every four years by the graduates of the faculties of Arts, Medicine, Science and Law of Victoria University;

Six representatives elected every four years by the alumni of Emmanuel College;

Two representatives appointed by Albert College.

(2) The said members of the Senate shall hold office until their successors are elected.

10. The Senate shall have power,

Powers of

- (a) To provide for the regulation and conduct of its proceedings including the determination of the quorum necessary for the transaction of business.
- (b) Subject to *The University of Toronto Act*, 1947, to ^{1947, c. ¹¹². provide for the granting of and to grant degrees, including honorary degrees in the several colleges and faculties which are or may from time to time be established and to determine the courses of study and qualifications for degrees.}
- (c) To make such regulations as may be deemed necessary and proper for the nomination and election of members to the Senate.
- (d) To make regulations and deal with all such matters of a strictly educational nature as have not in this Act been assigned to either of the Colleges.
- (e) To provide for the establishment of fellowships, scholarships, bursaries, exhibitions, medals, prizes and other awards.
- (f) To summon and provide for the holding of Convocation, for the conferring of degrees and for such other purposes as may be determined by the Senate.
- (g) To appoint such representative or representatives of Victoria University on the Senate of the University of Toronto as *The University of Toronto Act*, 1947 may authorize, provided, however, that no person who is a member of the Council of Emmanuel College shall be entitled to vote on any such appointment.
- (h) To deal with such other matters and affairs as may from time to time be committed to it by the Board.
- **11.**—(1) The Chancellor shall preside at the meetings of Duties of the Senate and of Convocation of Victoria University and of Shall confer degrees.

Idem.

(2) The Vice-Chancellor shall, in the absence of the Chancellor, preside at the meetings of the Senate and of Convocation of Victoria University and confer degrees.

Idem.

(3) The President shall be charged with the general oversight of the University as a whole. He shall be the Head of Victoria University within the meaning of clause a of section 1947, c. 112. 42 of The University of Toronto Act, 1947 and shall be the Chief Administrative Officer of the Board.

Idem.

(4) The Principal of each College shall have general supervision of the life and work of his College and shall be Chairman and Chief Administrative Officer of the Council of his College. The Principal of Emmanuel College shall be the Head of Emmanuel College within the meaning of clause a of section 42 of The University of Toronto Act, 1947.

Idem.

(5) The Registrar shall be the Secretary of the Senate and shall keep all records and papers of the Senate including lists of all graduates and alumni including holders of diplomas and certificates, the records of all examination results and the standing of all students in each College. He shall register the students in each of the Colleges under the authority of the Councils. He shall also conduct the elections of the representatives of the graduates and alumni on the Board and on the Senate of Victoria University. The Registrar shall also perform such other duties as may be assigned to him by the Senate or the Board.

Idem.

(6) Each of the above officers shall also perform such other duties and functions as may be assigned to him by the Board and shall in all matters pertaining to his office act under the direction and control of the Board.

Victoria College.

12. The Faculty of Arts formerly established in Victoria University and known as Victoria College in the University of Toronto is hereby continued and shall also be known as Victoria College of Victoria University.

Council of Victoria College.

13.—(1) There shall be a Council of Victoria College which shall consist of the President of Victoria University, the Principal of Victoria College, the Registrar of Victoria University, the Librarian of Victoria University, and all active members of the permanent teaching staff of Victoria College, together with one professor in the Department of Religious Knowledge chosen by the Faculty of Emmanuel College.

Powers and duties of Council.

(2) The Council of Victoria College shall have the following powers and duties:

(a) To make rules and regulations for governing its own proceedings, including the determining of the quorum necessary for the transaction of business.

VICTORIA UNIVERSITY

- (b) Subject to the provisions of this Act and of The 1947, c. 112. University of Toronto Act, 1947 and to the approval of the Board, to prescribe and regulate the courses of study, to exercise direction, guidance and oversight of the work and life of the College; and to make such rules and regulations as may from time to time be required for the good of the College.
- (c) To transact such business as may arise that concerns the Council as a whole.
- (d) To determine what students, possessing the academic qualifications prescribed from time to time by the Senate of the University of Toronto shall be enrolled in Victoria College; and to deal with and decide upon all applications, petitions and memorials presented to them from any source and upon which the action of the College is required.
- (e) To conduct all examinations held by Victoria College.
- (f) To appoint such representatives to the Senate of the University of Toronto as The University of Toronto Act, 1947 may authorize, of whom one shall be the Principal of Victoria College.
- (g) To consider and report to the Board and to the Senate or to either of them upon such matters affecting Victoria College as to the Council may seem meet.
- 14. The Faculty of Theology, formerly established in Emmanuel Victoria University and which was united with Union Theological College to form Emmanuel College, is hereby continued and shall be known as Emmanuel College of Victoria University.
- 15.—(1) There shall be a Council of Emmanuel College Council of which shall consist of the President of Victoria University, College. the Principal of Emmanuel College, the Registrar of Victoria University, the Librarian of Victoria University, all active members of the permanent teaching staff of Emmanuel College, the six members elected by the alumni of Emmanuel College as members of the Senate of Victoria University, and the five members elected by the alumni of Emmanuel College to be members of the Board.

Powers and duties of Council.

- (2) The Council of Emmanuel College shall have the following powers and duties:
 - (a) To determine the theological curriculum in harmony with the general principles laid down by the General Council of The United Church of Canada.
 - (b) To prepare courses of study for degrees in Divinity and submit the same to the Senate of Victoria University for its approval.
 - (c) To determine what students shall be enrolled in Emmanuel College; and to deal with and decide upon all applications, petitions and memorials presented to them from any source.
 - (d) To arrange for the teaching and examining of the students and to grant diplomas, certify to presbytery the students who have completed their course of study for ordination, and report to the Senate of Victoria University the standing of students in courses leading to degrees in Divinity.
 - (e) Subject to this Act and to the approval of the Board, to exercise direction, guidance and oversight of the work and life of the College and to make such rules and regulations as may from time to time be required for the good of the College.

1947, c. 12.

- (f) To appoint to the Senate of the University of Toronto and to the Council of the Faculty of Arts such representatives as The University of Toronto Act, 1947 may authorize.
- (g) To determine, subject to the final ratification of the Senate of Victoria University and of the Board what schools or colleges, if any, of The United Church of Canada, whose purpose is to train students for Christian service, may become affiliated with the College and the terms of such affiliation.
- (h) To consider and report to the Board and to the Senate, or to either of them, upon any matters affecting the College as to the Council may seem meet.

Caput.

16.—(1) There shall be a committee to be called the Caput which shall be composed of the President, the Principal of Victoria College and the Principal of Emmanuel College.

- (2) Subject to *The University of Toronto Act*, 1947, the Powers of Caput shall have disciplinary jurisdiction over the conduct 1947, c. 112. of the students of Victoria University and its Colleges. Disciplinary jurisdiction shall include the power to impose fines and to suspend or expel students from membership in Victoria University and to exclude students from any or all of the privileges of membership in Victoria University either temporarily or permanently. For the purposes of subsection 3 of section 79 of *The University of Toronto Act*, 1947, the Caput shall be deemed to be a council to which the Caput of the University of Toronto may delegate its authority.
- 17. The affiliation of Albert College with Victoria Univer-Affiliation of Albert Sity is hereby continued.
- 18.—(1) The Board, the Senate, the Council of Victoria Continua-College, the Council of Emmanuel College, the Caput, all as at present present constituted are hereby continued until changed in Senate, etc. furtherance of the provisions of this Act with all the powers and authorities conferred upon them respectively by this Act.
- (2) The President of Victoria University, the Deans of Continuation of Victoria and Emmanuel Colleges, the Registrar, the Librarian, present officers, etc. the Bursar and all members of the teaching staff of both Colleges and other officers, servants and employees of Victoria University or either of its Colleges are hereby continued in their respective engagements, provided that the Deans of Victoria and Emmanuel Colleges shall from the coming into force of this Act be known as Principals.
- 19. The Victoria University Act, 1928 and The Victoria 1928, c. 105; University Act, 1944 are repealed.
- **20.** This Act shall come into force on the day it receives Commencethe Royal Assent.
- 21. This Act may be cited as *The Victoria University Act*, Short title. 1951.



An Act respecting The Windsor Utilities Commission

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

WHEREAS The Windsor Utilities Commission by its Preamble. petition has represented that it was incorporated by The City of Windsor (Amalgamation) Act, 1935; and whereas 1935. c. 74. the petitioner has prayed that the Commission be authorized to grant retiring allowances to such of its employees as are not eligible for pension under its existing pension plan; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Windsor Utilities Commission may provide for the Retiring payment of and may pay retiring allowances to such of its allowances. present or future employees as are not included in the existing pension plan to the same extent as it would have provided and paid under the existing pension plan in respect of such employees if they had been included therein.
- 2. For the purposes of section 1, the Commission shall Initial pay into a fund to be known as the "Retirement Account" by Comthe sum of \$30,344.53 from its reserves in respect of the Hydro Division thereof, and the sum of \$5,265.93 from its reserves in respect of the Water Division thereof, which sums aggregate the amount which the Commission would have paid prior to the 31st day of December, 1950, in respect of employees not included in the existing pension plan if they had been included therein.
- **3.** The Schedule hereto is hereby confirmed and declared Schedule to be legal, valid and binding in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act.
- **4.** This Act shall be deemed to have come into force on the $\frac{\text{Commence}}{\text{ment}}$. 1st day of January, 1951.
- 5. This Act may be cited as The Windsor Utilities Com-Short title. mission Act, 1951.

SCHEDULE

- A Plan for the payment of retiring allowances to present and future employees of The Windsor Utilities Commission who are not included in the existing pension plan.
- 1. From the reserves of the Commission in respect of its Hydro Division the sum of \$30,344.53 shall be forthwith paid into a special fund to be designated as "Retirement Account", and from its reserves in respect of its Water Division the sum of \$5,265.93 shall be likewise paid into such fund.
- 2. The sums set forth in Clause 1 are the amounts which the Commission would have contributed prior to December 31st, 1950, to the existing pension plan for Hydro Division and Water Division employees respectively who are not included in the said plan if they had been so included for the duration of their employment.
- 3. Commencing with the month of January, 1951, the Commission shall pay monthly into the "Retirement Account" an amount equal to $7\frac{1}{2}$ per cent of the then current monthly wage of each of the aforesaid employees and of employees hereafter employed by the Commission who are not eligible for pension under the existing pension plan, from whose monthly wages the Commission shall make a deduction of $6\frac{1}{2}$ per cent or such greater percentage as the employee may authorize, which shall be paid into the "Retirement Account".
- 4. Should the Commission's rate of contribution to the existing pension plan be varied then coincidentally its rate of contribution to the "Retirement Account" will be varied accordingly.
- 5. Upon the retirement of any employee for whom provision is made herein, the contribution to the "Retirement Account" made by such employee will be returned to him in the form of 60 equal monthly payments or such greater number of equal monthly payments as may be agreed upon between the Commission and the employee, and the contribution to the "Retirement Account" made by the Commission on his behalf will be paid to him in 144 equal monthly payments; provided however that should such employee die before all payments as herein provided have been made a sum equal to the amount of his own contributions only, less the portion thereof repaid to him in monthly payments, shall be paid to his heirs, executors or administrators, and any portion of the Commission's contribution to the "Retirement Account" not paid to the employee shall become the property of the Commission.
- 6. Upon the death or termination of employment prior to retirement of any employee for whom provision is made herein, the amount of his contributions only shall be paid to him or his heirs, executors or administrators, and in that event or on the termination of retiring allowance payments in respect of such employee after retirement, the Commission shall be entitled to apply the undistributed sum contributed by it on behalf of such employee in reduction of its then current contribution in respect of other employees for whom provision is made herein.
- 7. The "Retirement Account" herein referred to shall be administered by the Commission.

CHAPTER 121

An Act respecting the City of Woodstock

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

WHEREAS the Corporation of the City of Woodstock Preamble. by its petition has prayed for special legislation to confirm an order of the Ontario Municipal Board annexing part of the Township of East Oxford to the City of Woodstock; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Order P.F. C-279 of the Ontario Municipal Board, Annexation dated the 8th day of February, 1950, set out as the Schedule firmed as hereto, is hereby confirmed, except that as confirmed the figures "1950" in paragraphs 2, 4 and 5 of the Order shall be deemed to read "1951" and the figures "1951" in paragraphs 2 and 4 of the Order shall be deemed to read "1952".
- (2) Notwithstanding anything in the said Order, the Order Effective shall come into force on the 1st day of January, 1952.
- 2. The City of Woodstock shall assess the properties in Assessment the annexed area for taxation purposes for the year 1952 at for 1952. the same time and in the same manner as other assessments are made within the boundaries of the City of Woodstock for taxes payable for and in the year 1952, and all rates levied on property within the boundaries of the City of Woodstock shall be levied against the properties in the annexed area in the year 1952 by the City of Woodstock, and shall be payable to the City of Woodstock at the same time and in like manner as all other rates levied in the year 1952.
- 3. All taxes imposed by the Township of East Oxford in Collection the annexed area up to the 31st day of December, 1951, and taxes. all arrears of taxes in the annexed area shall belong to the Township of East Oxford, and after the 31st day of December, 1951, any such arrears shall be payable to and collectable by the treasurer of the City of Woodstock in the same manner as taxes owing to the City of Woodstock, and the treasurer shall

remit

remit such payments to the clerk of the Township of East Oxford.

Commence-ment.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as The City of Woodstock Act, 1951.

SCHEDULE

P.F. C-279

THE ONTARIO MUNICIPAL BOARD

Wednesday, the eighth day of February, A.D. 1950.

BEFORE:

W. P. NEAR, B.A.Sc., Vice-Chairman,

-and-

R. C. ROWLAND, Member.

IN THE MATTER of Section 23 of "The Municipal Act" (R.S.O. 1937, Chapter 266), (as reenacted by O.S. 1939, Chapter 30, Section 2) and as amended by O.S. 1947, Chapter 69, Section 2, and

IN THE MATTER of an application by the Corporation of the City of Woodstock for annexation thereto of part of the Township of East Oxford, in the County of Oxford, described in Schedule "A" attached hereto, and

In the Matter of By-law Number 2692 of the Corporation of the City of Woodstock.

Upon the Application of the Corporation of the City of Woodstock and upon reading its By-law Number 2692 passed on the eleventh day of April, 1949, authorizing an application to this Board for an Order annexing parts of the Township of East Oxford to the City of Woodstock, upon being satisfied that notice of this hearing was given as directed by the Board and upon holding a public hearing in the City Hall in the City of Woodstock on the twenty-fourth day of November, 1949,

THIS BOARD DOTH ORDER AND PROCLAIM:

- 1. That that part of the area described in the schedule hereto annexed, be and the same is hereby annexed to the City of Woodstock.
- 2. That the said area described in paragraph 1 hereof shall be added to the assessment rolls of the City of Woodstock for the year 1950, upon which taxes will be levied in the year 1951.
- 3. That the Corporation of the City of Woodstock shall have the right to and shall collect all the said taxes and for that purpose may exercise all the relevant powers provided in *The Assessment Act*.
- 4. That the said area shall be removed from the assessment rolls of the Township of East Oxford for the year 1950, upon which taxes would have been levied in the year 1951.
- 5. That upon the lands in the said area, including buildings, if any, being added to the said 1950 rolls for the City of Woodstock and so assessed, the owners, respectively, shall receive assessment notices thereof and shall have and may exercise all the rights of appeal provided in *The Assessment Act*.
- 6. That the area described in the schedule hereto shall be known as part of St. John's Ward of the City of Woodstock.

- 7. That all rights, titles and interests of the Corporation of the Township of East Oxford in all roads and streets and allowances therefor in the said area shall vest in the Corporation of the City of Woodstock, from and after the date that this order takes effect.
- 8. That the Corporations of the City of Woodstock and the Township of East Oxford shall be entitled to and shall be bound to make an adjustment of assets and liabilities, pursuant to said Section 23 of The Municipal Act and Section 38 of The Public Schools Act shall apply as between the Municipalities and School sections affected by this Order and in the event of the parties hereto not being able to agree upon the adjustment of assets and liabilities, then all such questions may be referred to the Judge of the County Court of the County of Oxford, or such person or persons as the Board may appoint, who shall make inquiry and report to this Board upon the adjustment of assets and liabilities and all rights, claims, liabilities and obligations referred to in clauses . (a), (b), and (c) of subsection 8 of Section 23 of The Municipal Act.

AND THE BOARD FURTHER ORDERS, that unless an objection is filed with the Board pursuant to subsections (14) and (15) of Section 23 of *The Municipal Act*, which objection is not withdrawn, this Order shall come into force as and from the first day of January, 1951.

(Seal)

W. P. NEAR, Vice-Chairman.

Schedule A

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of East Oxford in the County of Oxford and Province of Ontario, and being composed of the East half of lot Eighteen, all of Lot Seventeen and that part of Lot Sixteen in the First Concession of said Township lying west of the westerly boundary of a given Road known as "Beard's Lane" lying along the easterly boundary of Lot Sixteen, containing Four Hundred and Ninety-five acres more or less.

ALL THAT PART of the original Townline between the Townships of East Oxford and Blandford in the County of Oxford and Province of Ontario, which lies between the westerly boundary of Lot Eighteen in the First Concession of the Township of Blandford and the line between the East and West halves of Lot Seventeen in the First Concession of said Township, containing Three and Seven-tenths acres, more or less.

CHAPTER 122

An Act respecting Wycliffe College

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

HEREAS the Trustees of Wycliffe College by their Preamble. petition have represented that by section 6 of An Act respecting Wycliffe College, being chapter 112 of the Statutes of Ontario, 1916, the Trustees have power to grant degrees in theology, including honorary degrees and certificates of proficiency, as therein set out; and whereas the Trustees desire that their powers of granting degrees in theology should be enlarged so that they will have powers similar to those of other religious institutions of learning to grant such degrees in theology as they may from time to time deem meet; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 6 of An Act respecting Wycliffe College, being 1916, chapter 112 of the Statutes of Ontario, 1916, is repealed and c. 112, s. 6, the following substituted therefor:
 - 6. The trustees may grant degrees in theology, including Power to honorary degrees in theology, and certificates of grant proficiency in theology, to such persons as the trustees or theology. from time to time may deem to have the necessary qualifications therefor, subject to such examinations or otherwise as may from time to time be prescribed by the trustees.
- 2. This Act shall come into force on the day it receives Commence-the Royal Assent.
 - 3. This Act may be cited as The Wycliffe College Act, 1951. Short title.



CHAPTER 123

An Act respecting The Young Men's Christian Association of Greater Niagara

Assented to April 5th, 1951. Session Prorogued April 5th, 1951.

WHEREAS the persons named in section 1 have prayed Preamble. that an Act be passed to incorporate The Young Men's Christian Association of Greater Niagara as a body corporate and politic for the purposes and with the powers hereinafter provided; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. A. S. Hodge, E. M. McMurray, E. L. Harding, M. H. Incorporation.
 Freeman, W. F. Currey, G. A. Fraser, E. M. Frantz, B. F.
 Williams, M. I. McBride, J. A. Wilson, A. G. Peckham, S. W.
 Bird, Rev. Dr. W. Fingland, Rev. Dr. S. B. Stokes, Dr. R. F.
 Eager, Dr. J. Ogilvie, W. J. Gebhart, E. R. Blew, F. A.
 Branscombe, H. W. Stewart, J. McVicker, V. Mollison,
 R. L. Connell, and such other persons as are now members of The Young Men's Christian Association of Greater Niagara or hereafter become members of the body corporate hereby created are hereby constituted a body corporate and politic under the name of "The Young Men's Christian Association of Greater Niagara", hereinafter called the "association".
- 2. All real and personal property belonging to or held in vesting of trust for the association shall henceforth be vested in the property association to be held, used, administered and disposed of, subject to the provisions of this Act, in accordance with the constitution and by-laws of the association.
- **3.** All property vested by this Act in the association shall Property remain liable for the payment or satisfaction of any debts existing or any obligations heretofore contracted or incurred in respect thereto, to the same extent as it would have been liable therefor had this Act not been passed.

Power to acquire and dispose of real estate.

4. The association may acquire and hold in the City of Niagara Falls, Township of Stamford, Village of Chippawa and the vicinity thereof, any real property or any estate or interest therein either by purchase, lease, gift, devise or bequest either absolutely or in trust, and may sell, transfer, exchange, mortgage, hypothecate, lease or otherwise alienate or dispose of the same or any part thereof and apply the proceeds of any such property for its purposes; provided that no land at any time acquired by the association and not required for its actual use and purposes, or by way of security for the payment of any loan, debt or guarantee, shall be held by it or by any trustee on its behalf for a longer period than seven years after it ceases to be so required, but this proviso shall not be deemed in any wise to vary or otherwise affect any trust relating to such property.

Constitution and by-laws.

5. The constitution and by-laws of the association, being the constitution and by-laws adopted by the association prior to its incorporation, and under which the association has since been conducted, are and shall continue to be the constitution and by-laws of the association, but they, or any of them, may be added to, amended or repealed, and others substituted therefor in the manner and subject to the conditions and provisions therein stated.

Members.

6. The members of the association shall continue to be members thereof and the officers of the association shall continue to hold office in the manner provided by and subject to the constitution and by-laws of the association.

Directors.

7. The association may by by-law provide for the number of directors and as to their qualifications, mode of election and the time for which they shall hold office and may by by-law from time to time increase or decrease such number.

Objects of association.

8. The objects of the association shall be the spiritual, mental, social, educational and physical welfare and improvement of young men and boys by the erection, operation, maintenance and support of meetings, lectures, reading and recreation rooms, libraries, gymnasia, athletic grounds, summer camps, aquatic facilities, dormitories, lunch rooms, and such other means as may from time to time be determined upon, and to establish, maintain and operate branch associations in the City of Niagara Falls, Township of Stamford, Village of Chippawa and the vicinity thereof, and the association may make all or part of its facilities and equipment available for use of such community organizations as may have as their object the general good of the citizens of the said municipalities upon such terms and conditions as may be determined by the association.

- 9. The buildings, lands, equipment and undertaking of the Exemption association so long as they are occupied by, used and carried taxation. on for the purposes of the association, shall be exempt from taxation except for local improvements.
- 10. The association may borrow money for its purposes Borrowing upon its credit and may mortgage, hypothecate or pledge powers. any of its real and personal property as security for any loan.
- 11. The association may establish an endowment fund for Endowment the purpose of promoting and extending its aims and objects fund. and in furtherance of such purpose may obtain, set aside and hold subscriptions, donations, gifts and bequests under such regulations and conditions in respect thereto as may from time to time be decided upon by the board of directors.
- 12. The association may lend money upon the security Power to lend money of real estate and may invest and reinvest any of its funds and invest and moneys in any debentures of municipal or public school its funds. districts or corporations, Dominion or provincial debentures, bonds, stocks, or in Dominion or provincial securities, or in any security the payment of which is guaranteed by the Dominion of Canada or any province thereof, and for all purposes of any loan or investment it shall have all such rights and remedies for collection, enforcement or repayment thereof as any individual or corporation would have by law in the premises.
- 13. The association may establish, aid or support such Educational courses of technical, vocational or trades education as the board of directors of the association from time to time determine.
- 14. This Act shall come into force on the day it receives Commencethe Royal Assent.
- 15. This Act may be cited as The Young Men's Christian Short title. Association of Greater Niagara Act, 1951.



Third Session, Twenty-Third Legislature 15 George VI, 1951

A

ACTIVE SERVICE ELECTION	PAGE
ACTIVE SERVICE ELECTION ACT, 1945 repealed	2
Active Service Voter defined by regulations. qualifications to be prescribed. right to vote. for candidate in electoral district where ordinarily resident.	1 1 1
CHIEF ELECTION OFFICER cases of emergency dealt with by	2
Commencement of Act	2
ELECTION ACT, 1951 regulations may alter.	2
FORMS to be prescribed by regulations.	2
Officers appointment provided for by regulation	1
REGULATIONS active service voter. defined. qualifications. communication of results of voting. counting ballots, procedure. Election Act, 1951, altering of provisions. forms. hours of polling. officers, appointment. polling votes, procedure. voting territories.	1 1 1 2 1 2 2 2 2 2 1 1 1
Voting by Ballot	1, 2
Voting Territories communication of results of voting inestablished by regulations.	2 1
ADMINISTRATION OF JUSTICE EXPENSES commencement of Act	378 377
ADOPTION certificate of Provincial Officer, probationary period	3
AGRICULTURE See Farm Products Marketing. Milk Control.	

ALCOHOLISM RESEARCH FOUNDATION grants, in aid of hospitals	Page 6
to institutions objects powers. Public Hospitals Act, application of section 11 designation of hospitals within meaning of	6 5 5, 6 6 6
ANIMALS See Game and Fisheries. Wolf and Bear Bounty.	
ASSESSMENT	
Annexed Areas assessment in former municipality to be adopted notice and appeals	12 12
Appeals additions to assessment roll.	11
collector's roll	10 13 12 12, 13
exemption of farm lands from certain taxation. procedure on. notice of decision of judge. to Municipal Board.	7, 8 8 13 13
notice of	13
annexed areasnew buildings, etc., added to assessment rollcollector's roll	10, 11 9, 10
Assessment Notices additions to assessment roll. collector's roll.	11 10 12
annexed areaspreparation mechanically or in ink.	15
Assessment Roll additions to, re new buildings, etc alteration by clerk after judge's decision by-law, extending time for return of. time for passing and approval preparation mechanically or in ink production in court.	10, 11 13 11, 12 12 15 12, 13
Collector's Roll additions to, re new buildings, etc. preparation mechanically or in ink return of, dates for.	9, 10 15 14
Commencement of Act	15
Exemptions from Taxation farm lands	7, 8
FARM LANDS by-law exempting from certain taxation	7, 8
Grants in lieu of Taxes provision respecting distribution repealed	15
Ontario Municipal Board appeal to, re farm lands tax exemption. time for. where lies.	8 13 13
RAILWAY COMPANIES statement of property to be furnished by	8 9

ASSESSMENI—Continued	PAGE
TAX NOTICES address for deliverypreparation mechanically or in ink	14 15
Unpaid Taxes statement of, contents to be furnished to county treasurer	14 14
See also Greater Toronto Assessment Board.	
ASSIGNMENT OF BOOK DEBTS commencement of Actregistration of assignment, extension of time for	378 377
В	
BARCLAYS TRUST COMPANY OF CANADA accounts. chief agency, place of, in Ontario. commencement of Act. investments authorized. jurisdiction of Ontario courts and judges. powers. registration under Loan and Trust Corporations Act, authorized. security. trust company, authorized to act in Ontario as. limitation trust funds. BARBER SHOPS See MUNICIPAL. PUBLIC HEALTH. BEAR BOUNTY See WOLF AND BEAR BOUNTY.	464 464 465 464 464, 465 464 463 463 463 463 463 464
BEDS OF NAVIGABLE WATERS grants by Crown, deemed to exclude bed	17
BELLEVILLE (CITY) BUS FRANCHISE bus franchise agreement, set out validated. by-law, set out validated. Minister of Highways' powers not affected.	468-472 467 468 467 467
BIRDS See GAME AND FISHERIES.	
BOARDS OF EDUCATION commencement of Act municipal boards, composition, appointed members psychiatrists and psychologists, appointment by boards union boards, dissolution on change in school area boundaries	19 19
BOILERS AND PRESSURE VESSELS	
Accidents investigation of notification of parts not to be moved, etc.	32
Act exemptions from interpretation	

BOILERS AND PRESSURE VESSELS—Continued	PAGE
Appeal from action of inspector expenses of	33 33
Boiler accidents re built outside Ontario. capacity, manner of determining classification by regulations. condemned, further inspection after. prohibition re operation while. sale, etc	30, 31 35 35 32 32 32 32
sealing of defective after construction. defects in, to be pointed out to inspector. defined. design. where not available. exemption of certain types. instructions by inspector re operation, etc., of order to shut down for refusal to obey insured.	31 28 31 27 27 27 23, 24 26 26 29, 30
exempt from annual inspection by inspector maximum working pressure. prohibition re operation beyond. not constructed in conformity with approved design. operation without certificate of inspection prohibited. preparation of, for inspection repairs to information to be given in respect of. report by manufacturer re construction of. safety valves. sealing of, by inspector. used—See Used Boiler or Used Pressure Vessel.	30 28 28 28 29 25, 26 31 35 35 28 26
CERTIFICATE OF APPROVAL cancellation. refusal to obey instructions of inspector. unsafe condition of boiler, etc. defined. issue. fee and expenses for prescribed by regulations.	26 26 26 21 27 27 27
Certificate of Competency defined. examination for. fees. examination. issue. renewal. issue, provided for by regulations terms of. prohibition to inspect without suspension or cancellation reasons for.	21 25 34 34 34 33, 34 24, 25 25 25
Certificate of Inspection annual availability cancellation, on rejection of insurance refusal to obey instructions of inspector unsafe condition of boiler, etc. defined expiration issue by insurer fee and expenses maximum pressure to be recorded on operation prohibited after cancellation of	28, 29 29 30 26 26 21 29 27 29 27-29 29 33

BOILERS AND PRESSURE VESSELS—Continued	Page
CHIEF ENGINEER defined	21
CHIEF INSPECTOR	
consent of, re installation of boiler previously used outside Ontario	31
where boiler, etc., condemned	32
defineddesignation as	
designation as	24 27
employment of insurers to inspect	30
fees for inspection paid to	29
inspection required by	27
notification of, re condemned boiler	32 31
order by, to shut down boiler, etc.	26
order by, to shut down boiler, etcpermission to operate, etc., new boiler where design not available	27
report of insurer filed with	30
welding operator, registration with	32
CLOSED TYPE HOT WATER HEATING SYSTEM	
defined	21
Commencement of Act	36
COMMUNICATION TO THE COMMUNICATION OF THE COMMUNICA	00
Compressed Gas	2.2
defined	22
Consolidated Revenue Fund	
fees and expenses to form part of	
penalties recovered, to form part of	35, 36
DEPARTMENT	22
defined	22
Design	
boiler, etc., not constructed in conformity with approved	
defined	
drawings and specificationsnot approved before construction	
not available	27
registration, cancellation of	
fees for	
manner of	
fee prescribed	
submission of, to Chief Inspector	27
Design Pressure	
defined	22
FACTORY, SHOP AND OFFICE BUILDING ACT boiler insurance and inspection, provision re, repealed	36
boner insurance and inspection, provision re, repeated	00
Forms	2.5
to be prescribed by regulations	35
High Pressure Boiler	
defined	22
Inspection	
annual	25, 28
exemption from	30
powers and duties of inspector	
report of, by insurer	
annual	
districts for purposes of	24
during construction	27 27
installation	27-29

BOILERS AND PRESSURE VESSELS—Continued	PAGE
Inspection—Continued	27-29
fees for	35 29
notice by inspector re preparation of boiler for	25 30, 31
payment by manufacturer or owner used boilers and pressure vessels.	35 31
Inspector	
appeal from action of	33 24
condemning of boilers, etc., by	31
defined	22 25
fees for inspection paid toinstructions by, as to operation and installation	29 26
powers, examination of persons under oathon annual inspection	25 25
to enter premisesrequire preparation of boiler for inspection	25 25, 26
publications to be referred to by	33
tests of welding operators by	32
Installation instructions by inspector re	26
refusal to obey	26
Insurer certificate of inspection, issue of	29, 30
cancellationdefined	30 22
employment of, to make inspectionreport of annual inspection by	30 30
LIEUTENANT-GOVERNOR IN COUNCIL inspectors, appointment by	24
powers to exempt from Act	24 33-35
Low Pressure Boiler defined	22
Markings	25
to be prescribed by regulations	35
boilers, etc., not to be operated beyond	28 28
defined	20
appeal to, from action of inspector	33 22
defined	24 30
Notice	0.5
examination under oath by inspectorto require preparation of boiler, etc., for inspection	25 25, 26
OPEN TYPE HOT WATER HEATING SYSTEM defined	25
Operation	
instructions by inspector re- refusal to obey	26 26
prohibited after cancellation of certificate of inspection	33 27
promote to, or ocured parity occion and an annual and an	41 8

OILERS AND PRESSURE VESSELS—Continued	PAGE
Owner defined	22
Penalties	33
PLANT	33
classification to be by regulation	35 22 27
exemption from Act instructions by inspector re operation, etc order to shut down for refusal to obey preparation of, for inspection	24 26 26 25, 26
	,
Pressure defined	22
Pressure Vessel	
accidents re	32
built outside Ontariocapacity, manner determined	30, 31
classification by regulation	35
condemned	31
further inspection afterprohibition re operation while	32 32
sale, etc	32
sealing of	31 28
defective after constructiondefects in, to be pointed out to inspector	21
defined	22
designwhere not available	27 27
exemption of certain types	23, 24
instructions by inspector re operation, etc., of	26
insured	29, 30
exempt from annual inspection, whenmaximum working pressure	30 28
prohibition re operation beyond	28
not constructed in conformity with approved designoperation prohibited without certificate of inspection	28 29
preparation of, for inspection	25, 26
repairs to	31 31
information to be given in respect of	35
safety valves	28
sealing of, by inspectorused—See Used Boiler or Used Pressure Vessel.	26
Publications to be referred to, by inspectors	33
Refrigerant	
classification by regulations	35
conditions of use prescribed by regulationsdefined	35 23
Refrigeration Plant	
defined	23
REGULATIONS	
capacity of boiler, etc., manner determined	35
certificates of competency, fees	34
issue ofsuspension and cancellation	33, 34 34
reasons for	34
defined	2.3

В

BOILERS AND PRESSURE VESSELS—Continued PA	AGE
REGULATIONS—Continued design, drawings and specifications. fees on registration. manner of registration. revision of. fee for. inspection, fees prescribed. qualifications of inspectors. words and expressions used in, defined.	34 34 34 34 35 33 35
Seals to be prescribed by regulations	35
Shift Engineer defined	23
Steam Boilers Act repealed	36
Used Boiler or Used Pressure Vessel	
defined. design of new boiler, etc., not availableinspection. installation of, where previously used outside Ontariodetails to be supplied to Chief Inspector	23 27 31 31 31
Welding Operator change of employ defined methods to be employed by qualifications to be prescribed by regulations registration tests for competency fee to be prescribed for results of	32 23 32 35 32 32 35 32 35 32
Working Pressure defined	23
by-laws and regulations, confirmation. power to make. standard. commencement of Act. committee of management. incorporation confirmed.	473 475 475 475 475 474 473 474 474
C	
CHANGE OF NAME applicant, qualification application, contents to be accompanied by bankruptcy certificate	38 37 38 38
CHARITABLE INSTITUTIONS provincial subsidy on new buildings	39 39

CHARITIES ACCOUNTING charitable corporations brought within Act. commencement of Act. investigation of charitable organizations.	PAGE 41 42 41, 42
CHILDREN See Adoption. Children's Protection. Day Nurseries. Deserted Wives' and Children's Maintenance. Mothers' Allowances.	
CHILDREN'S PROTECTION evidence, transcription of. fees for. Magistrates Act referred to. public hospital charges, payment of. provincial aid.	43 43 43 43 44
COMPANIES commencement of Actinsurance companies, liquidation and winding up	55 47-55
CIVIL SERVICE See Public Service.	
COLLECTIONS FOR CHARITY See Charities Accounting.	
COMMUNITY CENTRES swimming pools, provincial aid to municipalities and school boards towards establishment	45, 46
CONTINUATION SCHOOLS commencement of Act. course of study, defined. dissolution where district absorbed in high school district	58 58 57, 58
CORONERS analyses and post mortem examinations, powers with respect to general expenses, reimbursement for juries, provision for women serving on	59 59 59
COUNTY JUDGES commencement of Act junior judges, appointment shorthand writers, appointment contribution for judicial purposes agreement arbitration procedure direction fees for transcripts fees, general remuneration status for superannuation, etc.	62 61 61 62 62 62 62 61 62 61 62
CREDIT UNIONS commencement of Actregistrar, defined	378 377
D	
DAY NURSERIES day nursing, defined	63
DEPARTMENT OF EDUCATION medical examination of school employees	65

DEPARTMENT OF MUNICIPAL AFFAIRS annual report	PAGE 67
right of redemption, assessed owner's school boards in unorganized territory, power to make tax arrears procedures applicable	67, 68 67
DESERTED WIVES' AND CHILDREN'S MAINTENANCE order for imprisonment, s. 1035a of Criminal Code not to apply	70 70 69
proceedings under Act, Summary Convictions Act to apply to	70
DRIVING SCHOOLS See Municipal.	
E ·	
EAST YORK (TOWNSHIP) commencement of Act council, composition of, changed effective date	477 477 477
EDUCATION See Boards of Education. Continuation Schools. Department of Education. High Schools. Public Schools. School Sites. Victoria University. Wycliffe College.	
ELECTION	
Acclamation election by	93
Accountable Warrants issuing of	137
Accounts audit of	138
Аст	
commencement of	138 84
Actions	
recovery of penalties, for	134 134
evidence re	134
time for	134
Adjournments default in returning documents, on	113 113
Advance Poll	
declarations by voters at	102
penalties for false	102 102
record oflist of persons voting at	102
defined	71
notice of	102 153
places of, and officers for	102
procedure after close of	103 102

ELECTION—Continued	PAGE
Affidavits	
administering, free	77
penalties for destruction, etc., of	133
abettors, re	133
printer, of	96 151
reasons for change of residence in	80
form of	139
returning officers of, after returns	119
form of	163 77
swearing of	11
Age	
qualification for voting	79
AGENT	120
corrupt practices by, effect ofdefined	129 71
definedemployment of, guilty of corrupt practices	131
	100, 101
non-attendance of	77
oath of secrecy by	123 111
objections to ballot papers bypersons guilty of corrupt practices disqualified to act as	77
present at recount	115, 116
rights of candidates to undertake duties of	77
two allowed in polling places	110 101
voting on production of certificates byoath of qualification for	101
outh of qualification for	
Allegiance	
oath of	05, 106
form of	157
APPEALS	440
appointment for hearing ofcertificate of result of	118 118
costs of	118
election courts, from	
judge's decision on recount, from	117
notice of, serviceprocedure on	118 118
time for hearing	118
Applications	
candidates, by, for recount	114
mandamus, for	119, 120
notice of	104
1 3, 3,	
APPOINTMENT	
hearing of appeal, for	118
Arrest	
orders for	122
Assembly	
members of, not to act as returning officers, etc	85
past members of, not to be returning officers, etc	85
Assessment Rolls	
irregularities re	76
0	
Assistant Chief Election Officer	
appointment of	75
duties of	.75 75

ELECTION—Continued	^	PAGE
Auditor of Criminal Justice Accounts		138
audit of accounts by		130
Ballot Boxes election documents placed in	,	112
construction of		88, 89
corrupt practices re		132
delivered to returning officers		112
form of oath redelivery of, by registered mail		161 112
to deputy returning officer		89
disappearance of		113
special report re		113 89
duty of deputy returning officers reinspection and sealing of, before opening of polls		105
non-return of	110,	
opening of		103
after close of pollsreturning officers, by		110, 111
penalty for failure to provide		89
procedure of closing, after close of advance polls		103
property of, in Crown		89
return of		89 88
returning officer to providestatements of result deposited in		111
·		
BALLOT PAPER ACCOUNT		02.04
poll books to contain		83, 84
BALLOT PAPERS		
accidentally spoilt		109
cancelledplaced in parcels under seal		109 111
record of		111
care of, during recount proceedings		116
contents of		96
form of		149, 150
corrupt practices re		111
before opening of polls		105
custody of		97
at recount		115
display of, not alloweddistinguishing disputed		123 116
examination of, at close of poll		
inducing display of		123
initials of deputy returning officers on back of		107
inspection by Committee on Privileges and Elections of Asse compellability of witnesses re		121, 122
mode of depositing*		108
numbering of		. 96
numbers on, communicating information re		123
order for inspection of		121 121
registrar to supervise.		121
requirements for		121
paper for, furnished by King's Printer		95
penalties for miscountingplaced in ballot boxes		133 112
printer's name on		96
printing of		95
procedure at recount.		116
procedure re, deemed voting		109 121
receipt of deputy returning officers re.		96, 97
form of		151
receipt of printer re		95, 96
form of		148 96
recount of		114, 115

ELECTION—Continued	PAGE
BALLOT PAPERS—Continued	
rejected removal from polling places prohibited sealing of, at close of recount	. 109
secret markings on	95
security by manufacturer of	
supply of, to D.R.O	. 96
transmission of, to Chief Election Officer	. 119
uniformity of	. 96 . 95
BALLOTS	
See Ballot Papers.	
Betting	
candidates, by	
providing money for	127
Blind Persons	407
voting by	
BOARD appointment of clerk by	74
approval of more than one polling place in subdivision	90
approval of number and location of polling places	
vacancy of	74
Chief Election Officer to advise	
York county, in	
counties to have	
defined	
member, disqualified as candidate	74
members, to take oathpolling places outside limits approved by	74 89
provision for earlier opening at polls by	101
provisional judicial districts to have quorum.	
vacancies in	
Bribery	
penalties for	
penalties for accepting bribes	124, 125
British Subjects	0.4
declaration as <i>prima facie</i> evidence of	81 79
women deemed	
Buildings	
polling places in	90
Canadian Forces	
members of, not disqualified from votingqualified to vote	80, 81 79, 80, 82
Candidate	
agents of, limitation of certificates to	
alphabetically arranged on ballot	96
form of applications for recount by.	
betting by	
bribery of	
certificates of results to	112 160
claims against	

ELECTION—Continued	PAGE
CANDIDATE—Continued	
consent of, with nomination papers	92 97
copies of polling list to	118
corrupt practices by, committed in ignorance	130
effect of	129
not sanctioned by	129 93, 94
death of	93, 94
form of	146
defined	71
disqualification ofeight years, for	130 130
election courts, by	130
member of board	74
distribution of literature re.	126
employment of persons guilty of corrupt practices, byexpenses of	131 125
grant of poll re	93
penalty for failure of	93
guilty of corrupt practices, votes struck off for	- 131
liability of person nominated as, without consentmoneys provided for betting by	77, 78 127
motion by, for removal of disqualification	131
notice of applications for mandamus to	120
notices of recount to	115
objections to ballot papers by	111
official agents appointed by	136
payments to	135
penalties for conveyances supplied by	127
personal expenses of	135 135
burden of proof repersons disqualified from acting as agents of	- 77
persons employed by, disqualified from voting	78
present at recount	15, 116
representatives of	115, 116 86
proclamation to state date for counting votes of	86
publications re official agents of	93
qualifications for	78
refreshments by	126 126
penalty forrights of, to undertake duties of agent	77
separate nomination papers for each	92
statements of receipts and expenses of	137
penalty for default	137 137
for falsewithdrawal of, false statements re	129
CERTIFICATES	4.20
accounts audited, rechange of residence, re	138 80
form of	140
clerk of the peace, of, re polling lists	98
delivered to deputy returning officer before voting	101
disappearance of	113, 114 100
judge, of copies on request	118
recount, on	118
Supreme Court clerk, to	118
limitation of, for agents of candidates	100, 101 1 0 1
list of persons voting under	143
outside voters, for	100
form of	153
notice re	100 83, 84
poll books to containpenalties for destruction, etc., of	133
abettors, re	133

ELECTION—Continued	Page
CERTIFICATES—Continued	100
polling place to be designated in	100
preservation of	101 80
results, of, to candidates.	112
form of	160
returning officers, of, re validity of nomination	92
returning officers to keep list of persons obtaining	100
revising officers, by, re appointment of proxy	104
form of	154
time for request forvoting on production of	100 101
oath of qualification for	101
Chairman	
board, of	74
vacancy of	74
Charitable Institutions	
inmates of, disqualified from voting	78, 79
CHIEF ELECTION OFFICER	440
affidavits of returning officers to	119 75
appointmentclerical assistance for	76
remuneration.	76
custody of ballot papers.	97
election papers	120
directions re preparation of polling lists	98
duties	75
general election papers kept in separate rooms by	120
imperfect nomination papers examined by	92, 93 83
labels and stationery sent to returning officers by	86
markings on election papers re non-destroyal by	120
notice of returns in Ontario Gazette by	120
notices as to secrecy by	. 83
form of	142
notification by, of appointment as a returning officer	83
paper for ballot papers furnished to	95 95
sent by, to returning officerspoll books supplied by	83, 84
form of	143
powers of ,	75
emergency cases, in	75, 76
public inspection of election papers by	121
record of ballot papers to	96
used election papers	119
report of cause of postponement of election	87 119
returning officers with returns tore postponement of election to	94
returns by returning officers to	118
forms	162
returns to, withheld for recount	115
transmission of election papers to	119
printer's receipt to	96
unused election papers to	119 97, 98
revised polling lists ordered byspecial directions re polling lists by	98
CITIES part of county or district	74
CLAIMS advertisement of	136
candidates, against	136
death of person making	136
payment of	136

ELECTION—Continued	Page
CLERICAL ASSISTANCE Chief Election Officer, for	. 76
CLERK	
board to appointoath, to take	
CLERK OF COUNTY COURT	
presence of, at recount	. 115
CLERK OF THE CROWN IN CHANCERY	
powers exercisable by Chief Election Officerreference to, deemed to Chief Election Officer	. 75 . 75
CLERK OF THE PEACE	
certificate of, re polling lists	
disqualified from votingpenalty for breach	
duty of, re polling lists	98
polling lists from	
prepared by	97 97, 98
Commencement of Act.	
COMMENCEMENT OF INCL.	100
Commissioners oaths and affidavits sworn before	77
Commissions	
appointment of deputy returning officers, for	
torm of	
form of	145
appointment of poll clerks, for	
deputy returning officers, of, poll books to contain. poll clerks, of, poll books to contain.	84
Committee on Privileges and Elections of Assembly	
regulations re inspection by	
compellability of witnesses re	122
Compartment	
exclusion from	
polling places, in, for votersvoter for each	91, 92
Composition of Board county of York	74
other counties	74
Consent candidate, of, with nomination paper	. 92
liability of person nominated without	77, 78
Consolidated Revenue Fund payment of fees and expenses from	137
Constables allowed in polling places	110
appointment of	99
appointment of special	122
requisitions for	122 122
oath of secrecy by	123
form of	164

ELECTION—Continued	Pagi
Controverted Elections Act	
appeals underelection court constituted under	130, 13
manner of prosecutions under	13
recovery of penalties subject to.	
returns under	7
Conveyances	
defined	12
hire of, by candidates	13
voters not disqualified by	
private	12 12
CORRUPT PRACTICE appeals from	130 13
appointment of persons with previous convictions as	130, 13
ballot papers, re	132, 13
betting by candidates as	126, 12
candidates, by, disqualification for eight years	130
effect of	129 129
committed in ignorance	130
defined	7
distribution of literature not	12
election court to determine.	130
false statements re withdrawal of candidates as	129 12
payment of candidates, expenses not	12
penalties for	
persons guilty of	130
disqualified from acting as agents	7
exemptionsnot to be returning officers, etc	130
procuring appointments as poll clerks, etc., as	128
prosecutions re, before election courts	134
recovery of penalties or forfeitures re	13:
refreshments, as	120
second elections on protest ofundue influence as	131 128
votes struck off for.	131
voting when not entitled as	129
Costs appeal, of	118
polling places, re.	9:
public inspection of election papers, of	121
recount, of	117
taxation of	117
unnecessary poining places, re	
Counterfoils	
ballots, with	96
destroying of	108
number on back of	107
numbering of	96
County	
board for every	74
city as part of	74
composition of boards in	74 71
electoral district in more than one	75
County Court defined	71
judge of, as chairman	74
J	

ELECTION—Continued	Page
Court of Appeal	
appointment for hearing from	118
costs in discretion of	118
proceedings at	118
Crown	
property of ballot boxes, etc., in	89
Crown Attorneys	70
disqualified from voting	78 78
penalty for breachinformation re violation of secrecy to	123
prosecutions by, for violation of secrecy	123
Custody ballot papers, of	97
election papers, of	120
- Colonia Papara, Colonia Papa	
DEATH	426
agent, of, claims to candidates	136 93, 94
candidate, of	93, 94
election clerk, of	88
person making claim, of	136
DECLARATIONS Advance Vertical for	102
advance voters, forpenalties for false	102 102
record of	
candidates, by, for withdrawal	93
form of	. 146
prima facie evidence, as, re British subjectresult, of	81 113
icourt, or	110
DEFINITION	
advance poll	71
agent	71 71
candidate at an election	71
conveyances	127
corrupt practice	71
county	71 71
county courtelection court	71
electoral district	72
form	72
Judge	114 72
local municipality	72
oath	72
official agent	72
polling list	72 72
polling subdivision	72
regulations.	72
residence	72
rural polling subdivision	73 73
urban polling subdivision	13
DEPUTY LOCAL REGISTRAR	
local registrar of Supreme Court, in place of	74
DEPUTY RETURNING OFFICERS	117
adjournments by, re non-delivery of documents	113 110
appointment of	94
additional	90
advanced polls, for	102

ELECTION—Continued	PAGE
DEPUTY RETURNING OFFICERS—Continued	
assistance by, to blind voters, etc	107
form of oath re	158
assistance of justices and constables for	122
attendance of, at pollsballot boxes delivered to	105 89
opened and votes counted by	. 103
sealed and delivered to returning officers by	112
papers rejected by	111
certificates delivered to, before voting	101
of results by	112
re change of residence presented to	80
to, for voting at poll where employed	100
form of	
notice re	100
commission of, poll books to contain	83, 84
constables appointed by	99 84
copies of Act to	96
form of	1 41
of polling list to	97
counting of ballot papers by	111
death or incapacity of	94
declarations by advance voters	102
delivery of ballot boxes by return mail by	112
oath re	112
	110, 111
duty re ballot boxes.	89
election supplies furnished to	95 132
fees of	137
payment of	137
friends of blind persons allowed to vote by	107
initials of, on back of ballot papers	107
inspection and sealing of ballot boxes before opening of polls by	105
instructing voters	107
interpreters employed by	108
list of advance voters prepared by	103
list of persons voting under certificates kept by	101
mode of depositing ballot papers by	108 133
miscounting ballots, penalties re	107
oath of	94
form of	147
oath of, after closing poll, poll books to contain	83, 84
form of	161
oath of, on delivery of ballot boxes	112
form of	. 161
oath of secrecy by	123
form of	164
oaths of, poll books to containobjections numbered and ballot papers initialled by	83, 84
objections to ballot papers noted by	111
omission of initials on ballot papers	133
order for arrest by	122
penalties for neglecting duties	133
for procuring appointment as	128
penalty for refusal to act as	94
persons disqualified to act as	85
penalty for	. 85
validity of election not affected by	85 85
persons exempt from acting aspoll clerks appointed by	98
form of commission re.	152
poll clerks to act as	99
subsequent appointment of	99
form of	152
poll clerks to assist	.99
powers of	122
preservation of certificates by	101

CLECTION—Continued	Page
DEPUTY RETURNING OFFICERS—Continued	
previous convictions of	129
procedure by, re impersonation of voter	109 91
proceedings of, where incapacitated soldiers voteproclamations re	94
production of appointment by proxy to	104
qualifications of	94
receipt of, re ballot papers	96, 97
form of	151
record of proxies by	104
revised polling lists to	98 111
form of	159
signature to.	112
supplies furnished to	83
swearing of questionable voters by	
penalty for failure of	107
voters omitted from list, vouched for, before	106 106
oath of	106
voters refusing to be sworn not given ballot papers by	108
penalty for default	108
voting by	106
voting on production of certificates by	101
administration of	101
oath of qualification for	101
Directions	
voters, to	96
form of	141
DISABLED SOLDIERS	70 00
qualifications of, for voting	79, 80 157
voting by	91
todang by the control of the control	-
Disqualification for Election	
member of board, of	74
Domicile in Canada	
term of, as qualification for voting	79
term of, as quarmeation for voting	
ELECTION	
acclamation, by	93
appointment of day for holding	82
certain irregularities not to affect	76
dates forinterruption of	82, 83 76, 77
interruption ofsecond, on protest	131
supplies re, furnished to deputy returning officers	95
validity of, not affected by disqualified persons acting as returning	
officers, etc	85
writs for, dated on same day	83
writs to state dates for nomination and polling	83
Exponent Acr	
ELECTION ACT repeal of	138
repear of	1.70
ELECTION BOARD	
See Board.	
ELECTION CLERKS	•
appointment of	88
form of commission for	145
attendance of, with documents at recount	115
ballot boxes opened beforecasting vote allowed.	113 78
death or inability to act.	88
disqualified from voting	78

ELECTION—Continued	Page
ELECTION CLERKS—Continued	
duties of	88
acting as returning officer.	88 137
payment of	137
notices of recount to	115
oath by	88
form of	145
oath of secrecy by penalty for refusal to act as	123 88
persons disqualified to act as	85
penalty for	85
validity of election not affected by	85
persons exempt from acting aspower of, to administer oaths	85 77
present at recount	115
previous convictions of	129
ELECTION COURT	120 121
appeals from	130, 131
defined.	71
prosecutions before	134
evidence re	134
ELECTION DANDO	
Election Papers custody of	120
endorsement on, by returning officers.	119
unused	119
evidence of contents of	121
express or registered post, by	119
general, kept in separate room.	120
inspection by Committee on Privileges and Elections of Assembly	121, 122
open for public inspection, except ballot papers.	121
petition re non-destroyal of	120
return of unused	119
transmission to Chief Election Officer	119
ÉLECTORAL DISTRICT	
defined	72
communication in	87
hours of polls in	101 75
more than one county, in	83
proclamations to be posted in	85
provisions by board for earlier opening of polls in	101
recount in, where two or more counties	115
removal from one, to another	80 139
residence in, as qualification for voting	79
village in two or more	90
ELECTORS	
nominations signed by at least 100	92
Evenonyaya	
EMERGENCIES elections interrupted by	76, 77
powers of Chief Election Officer in	75, 76
F	,
Employees	
time off for voting by	110
EMPLOYMENT	24 125
application for, in consideration of voting	24, 125
of voters by promise of	24, 125
candidate, from, disqualification from voting	78
received for voting 1	24, 125

ELECTION—Continued	PAGE
Equality votes on recount, casting vote by returning officer	117
EVIDENCE actions for recovery of penalties, re contents of election papers, of. corrupt practices, re disappearance of statements, certificates, etc., on order for inspection of ballot papers, re prosecutions, re.	134 121 129 113, 114 121 134
EXECUTION costs, for	117
EXECUTIVE COUNCIL members of, disqualified to act as returning officers, etc	85
Executory Contracts void when arising out of elections	131
Expenses accounts and audit of candidates, of burden of proof re statement to returning officer of copy of, published fixing allowance for payment from Consolidated Revenue Fund.	138 125, 135 135 137 137 137 137
FEES accounts and audit of	138 137 137
Form affidavit by returning officer after transmitting returns. of change of residence. of printer. appointment of proxies. ballot papers. certificate of returning officer re outside voters. of revising officer of revising officer re change of residence. to candidate. commission of deputy returning officer of election clerk. of poll clerk. defined. direction for voters. irregularities re use of nomination papers. notice as to secrecy of voting. of holding advance polls. oath for voter qualified under Sec. 18, par. 1.	151 154 149 153 154 140 160 147 145 152 172 152 176 146 146
of allegiance. of deputy returning officer. of deputy returning officer after closing of poll. of election clerk. of friend of blind voter. of poll clerk. of poll clerk after poll closed of proxy for mariner. of returning officer. of secrecy. re inability to deliver ballot boxes.	157 157 147 161 145 158 152 160 155 144

ELECTION—Continued	Page
Form—Continued	
poll book.	143
proclamation re nomination day by returning officerread by returning officer on nomination day	144 146
proxies, re	104
receipt of ballot papers from returning officer	151
of printer re ballot paper	148 148
statement by returning officer re votes polled, etc	162
of poll after ballots countedsupplied by King's Printer	159 83
withdrawal of candidate	146
Gifts	
bribery by	124, 125
	,
HALLS hire of, by candidates	135
voters not disqualified by	135, 136
Harry on Apprica	
Hearing of Appeals appointment for	118
proceedings on	118
time for	118
Homes for the Aged	
inmates disqualified from voting	78, 79
Hospitals	
polling places in soldiers'	91
Hours	
polls, of	101
F,	
House of Industry	70 70
inmates disqualified from voting	78, 79
Indians	
disqualified as voters	82
soldiers' franchise exceptedspecial oaths re	79, 82 82
reserves deemed unorganized territory	82
Y	
Information communicating, re numbers on ballot papers	123
re voting	123
violation of secrecy re	123
Inspection	
ballot papers, of, before opening of polls	105
ballot papers, of, on order	121 121
conditions re registrar to supervise.	121
registrar to superviseregulations re, by Committee on Privileges and Elections of Assembly	121, 122
requirements forelection papers, of	121 121
election papers, of	121
Interference	100 100
voters, with	122, 123
Interpreters	
oath of	108
Lumphy	
Interruptions elections, in	76, 77
	.,
IRREGULARITIES	7.
certain, not to affect election	76

ELECTION—Continued	PAGE
JUDGE	
affidavit of change of residence filed with	80
appeal from decision of	117
ballot papers and certificate to Registrar of Supreme Court by	118
sealed at close of recount by	116
care of documents by, during recount	118
of, on recount	117
re change of residence by	80
chairman of board, as	74
inability to act as	74
copies of certificates of, on request	118
costs of recount in discretion of	117
defined	114
delay in giving certificate by, for appeal.	117 116
disqualified from voting	78
penalty for breach	78
disqualified to act as returning officer, etc	85
entry of new voter on list by	80
procedure of, at recount	116
recount by	114, 115
electoral district in two or more counties	115
proceeded with continuously by	116
statements missing	117 115
request for clerk of county court at recount by	
verification or correction of statements by	110, 116
verification of correction of statements by	110
Judicature Act	
application for mandamus	102
JUSTICES OF THE PEACE	4.0.0
assistance of, required returning officers and deputy returning officers to have powers of	122
returning officers and deputy returning officers to have powers of	122 77
oaths and affidavits sworn before	11
King's Printer	
forms furnished by	83
paper for ballot papers from	95
LABELS	0.3
King's Printer to supply	. 83
LEGISLATIVE ASSEMBLY ACT	
candidates not disqualified under	78
candidates not disquanned under	, ,
Liability	
person nominated without consent	77, 78
LIEUTENANT-GOVERNOR IN COUNCIL	4.05
accountable warrants issued by	137
appointment of election day by	82 - 75
Assistant Chief Election Officer appointed by	75
forms and regulations re proxies by	104
order by, where communication dangerous in electoral district	87
returning officers appointed by, where others incapacitated	84
security by manufacturer of ballot paper fixed by	95
tariff of fees for officers fixed by	137
I visit and an Time	
Limitation of Time	70
irregularities re	76
Lists	
persons claiming certificates, for	100
entries of refusals in	100
LOCAL MUNICIPALITY	
defined	72

ELECTION—Continued	Page
LOCAL REGISTRAR OF SUPREME COURT deputy local registrar in place of	74
Magistrates disqualified from voting. penalty for breach.	78 78
Mandamus application of Judicature Act to. returning officers to perform duties, for notice of	120 119, 120 120
Mariner defined. proxy appointed by form of oath of form of proxy, not more than one rights of, to vote by proxy temporary absence of, not to disqualify voting.	72 103 154 104 155 104 103 80, 81
MENTAL PATIENTS disqualified from voting	78, 79
MINISTERS disqualified to act as returning officers, etc	85
Mode of Trial actions for recovery of penalties, re	134
Moneys advanced for corrupt practices. application for, in consideration of voting betting for. bribery of candidates by promise of received for voting.	124, 125 127 124, 125
Motion removal of disqualification, for	131
MUNICIPAL CLERKS ballot boxes returned to	89
Municipalities divided into polling subdivisions, council, by returning officer, by posting of proclamations in without assessment roll deemed unorganized districts.	89 89 86, 87 95
Naturalization qualification for voting, as	81 81 81
Nomination certificate of returning officer re validity of. dates for, same for all electoral districts. death of candidate after election by acclamation re. election writs to state dates for returning officer to read proclamation before. form of separate papers for each candidate time and place of proclamations, in	92 83 93, 94 93 83 92 146 92 86 86
form of	144 93 92 146

ELECTION—Continued	PAGE
Nomination Day refreshments on	128
Nomination Papers consent of candidate with	92
examination of	92 92 92, 93
Non-attendance	, , , ,
agents, of	77
NOTARY PUBLIC oaths and affidavits sworn before	. 77
Notes of Objections schedule for, poll books to contain	83, 84
Notices	400
advance polls, ofform of	102 153
appeal, of	117
service of applications for mandamus, of	118 120
certificates for voting by deputy returning officers, etc	100
recount, of	115 120
secrecy of, posted in polling place	83
form of	142
guidance to voters, of, separatewithdrawal by candidate, of	83 93
Numbering ballot papers, of	96
OATH	
administering, free	105 106
allegiance, of, by voters	157
defined	72
delivery of ballot boxes, on	112 161
deputy returning officer, of	94
form of	147
polls closedvoting, when	112, 160 106
election clerk, by	88
endorsed on writ.	88
form ofevidence re mariners on .	145 104
friends of blind persons voting, of	107
form of	158 107
incapacity to vote without assistance, of	158
interpreters, of	108
members of board to takepersons not on voters' list, vouched for, of	74 106
poll clerks, of	98
form of	152
poll clerks, of, after votes counted	112 160
power of election clerk to administer	7.7
power of returning officer to administer	77 104
proxy, of	155
qualification for certificate, of	101
administration of	101 101
Denaity for detaille of	

E	LECTION—Continued	Page
	OATH—Continued	
	qualification of, by voters	105, 106
	form of	156, 157
	returning officer, of	86
	form of	144
	secrecy, of	123
	form ofsecrecy of, poll books to contain	164 83, 84
	special, re proof of non-Indian blood.	82
	swearing of	77
	Objections	
	ballot papers, to	111
	noted, numbered and initialled	111
	Official Agent	
	defined	72
	appointment of	134
	publications re	93
	incapacity or death of	135
	claims against candidates sent to	136
	death of	136
	payments to candidates made through	135
	Omissions	
	voters' list, in, re rural polling subdivisions	106
	0	
	Ontario Gazette notice of returns in	120
	Orders	
	arrests, for	122
	inspection of ballot papers, for	121
	conditions re	121
	requirements re.	121
	PARLIAMENT OF CANADA	
	members of, cannot act as returning officers, etc	85
	PAYMENT	120
	accounts, of	136 135
	candidates, to	155
	Penalties	
	actions for recovery of	134
	appointment of persons with previous convictions	129
	ballots miscounted	133
	corrupt practices.	124, 125
	corrupt practices re ballot papers	132, 133
	default of oath of qualification for certificates	101 133
	deputy returning officers neglecting dutiesdestruction, etc., of writs of election, etc	133
	disqualified persons to act as returning officers, etc., for	85
	voting, for	78
	exemptions from	130
	failure of deputy returning officers to swear questionable voters	107
	failure of election clerk to act	88
	grant of poll	93
	poll clerks to act	98 87
	returning officer to post proclamations	89
	provide ballot boxesfailure to deliver statement of receipts and expenses	137
	false declarations by advance voters	102
	statements of receipts and expenses.	137
	re withdrawals of candidates	129
	falsifying polling lists	132
	omission of initials on ballot papers	133
	persons aggrieved	134 128
	pretence that ballot not secret	120

ELECTION—Continued		PAGE
Penalties—Continued		
procuring appointment as poll	clerks, etc	128
proxy voting after cancellation	of appointment	104, 105
		131, 132
	lay, on	128
	cer to act	94
returning officer to ta	ake an oath	86
to act as returning office	er	85, 86
returning officer granting more	certificates to agents of candidates	100, 101
		128
		133
	swear	108
voting when not entitled		129
Personal Expenses		
		135
		135
PERSONS OVER SIXTY		0.5
exempt from acting as returning	g officers, etc	.85
PETITIONS		
	apers, for	121
·		
Physicians and Surgeons		
exempt from acting as returnin	g officers, etc	85
70		
PLACES for		96
		86 115
recount, or		113
Poll Books		
copy of statement of result atta	ached to	111
entries in, re duplicate votes		109
	certificates in	101
torm of		143
	ons in	108 107
form of		143
penalties for destruction, etc., o	of	133
for falsifying		132
		112
		104
returning omcers, to		83, 84
Poll Clerks		
		110
		98
form of commission re		152
	l where employed	100
		153
Chief Election Officer to instru	ct	100 75
	t as	99
		99
	Oy	108
fees of	*	137
		137
		99 133
	e	133 98
		152
oath of, after closing poll, poll 1	books to contain	83, 84
form of		160
oath of, after votes counted		112
torm of oath of, poll books to contain		160 83, 84
oath of pon books to contain		00.04

ELECTION—Continued	Page
Poll Clerks—Continued	
penalties for procuring appointments as	128
penalty for refusal to act	98
persons disqualified to act as	85
penalty for	85
validity of election not affected by	85 85
persons exempt from acting asprevious convictions of	129
qualifications of	98, 99
record of advance voters kept by	103
statement of results signed by	112
subsequent appointments of	99
voting on production of certificates byoath of qualification for	101 101
•	101
POLLING DAY	400
ballot boxes opened and votes counted on	103
refreshments on	128
Polling List	
certificate of clerk of the peace re	98
copies of, for additional polling places	97
to returning officers, etc	97
defined	72
form of	97 133
penalties for destruction, etc., of	133
placed in ballot boxes	112
placed in ballot boxesprepared under <i>The Voters' Lists Act, 1951</i>	97, 98
revised	97
special direction by Chief Election Officer retyped but not printed until after revision	98 98
typea sat not printed until area to rotolom;	, 0
Polling Places	
additional	90
copies of polling lists for	97 88
ballot box for each ofboard to approve number and location of	91
costs re	91
unnecessary	91
deputy returning officers appointed for	94
designation of, in certificates	100
division of voters for two or more	90
location of	91 83
notices of secrecy posted inpersons who may remain in	110
rights of authorized agents re	110
proclamations to state	86
returning officer to fix	89
provide proper buildings for	90
soldiers' hospitals, in	91 90
tavern or entertainment place not to houseunorganized districts, in	94
voters not to remove ballot papers from	109
to leave, upon voting.	109
voting in, communicating information re	123
in two or more	99
Polling Subdivision	
defined	72
polling places for each	89
proclamations posted in each	86
returning officer to make, on failure by council	89 106
ruralunion of	89
union of	0,
Polls	
advance	
See ADVANCE POLL.	105
attendance of deputy returning officers at	105

E

LECTION—Continued	Page
Polls—Continued	
certificates of results of, to candidates	112
counting of ballots before opening of	105
duties of deputy returning officers at close of	110, 111
failure to hold, at time and place appointed	76
grant of, where too many candidates	93
penalty for default of	93 101
hours ofirregularities in proceedings preliminary to	76
re taking of	76
oath of deputy returning officer after closing of	
form of	161
proclamation re deputy returning officers after granting of	94
to state day for taking	. 86
provision by board for earlier opening of	101
statement of, poll books to contain	83, 84
statement of results of	111
form of	159
Post Offices	0.6
proclamation posted up in	86
Postmasters	
exempt from acting as returning officers, etc	85
Prescribed	
defined	72
PRIESTS	
disqualified to act as returning officers, etc	85
and quantities are also as recalling emetry event, in the second event and the second event e	
Printers	
affidavit of	96
form of	151
corrupt practices by	132, 133
names of, on ballot papers	96
reasonable charges by	
receipts by	95, 96
form of	148
n.	
Prisoners	70 70
disqualified from voting	78, 79
PROCLAMATIONS	
deputy returning officers, re, upon granting of poll	94
discretion of returning officer re posting of	87
penalties for failure to post	87 87
places for posting up of	86
unorganized territory, in	87
provisions for delays posting	87
returning officers, by	86
form of	144
returning officer to read	92
form of	146
Prosecutions	
corrupt practices, for	134
evidence re	134
Protest	
second elections on.	131
Provisional Judicial Districts	
board for every	74
composition of boards in.	74

ELECTION—Continued	PAGE
Proxy	
application by, to be entered on list	104
appointment of	103 154
certificate re appointment of	104
form of	154
mariners voting byone only allowed	103
oath of	104
form of	155
penalties for illegal voting byrecord of	104, 103
regulations re	104
term of appointment of	103, 104 104
voting in own right by	104
Public Places proclamations posted up in	87
QUALIFICATIONS candidates for	78
candidates, fordeputy returning officers, of	94
poll clerks, of	98
returning officers, of	70 80
voters, of	79, 80
Quorum	
board, of	74
RECEIPTS	
ballot boxes, for	112
papers, re, from printer	95, 96 149
form of	95
paper from King's Printer, for	95
returning officer, by, for paper	95
form of	149
Record	
advance voters, of	103
ballot papers, of	96 111
proxies, of	104
returning officers, by, of all supplies used	119
RECOUNT	
appeal from decision at	117
attendance of returning officer and election clerk at	115
ballot papers sealed at close of	116 116
certificate of judge on	117
costs of	117
taxation of	117 114
judge, by	115
persons present at	115, 116
presence of county court clerk at	115
procedure by judge at	116 116
production and custody of ballot papers at	115
returns withheld on	115
rules to governsanction of judge to be present at	116
security for	114, 115
statements missing, on	117
powers of judge re	117
Refreshments	
forbidden except at residence	126
penalties for default	126

ELECTION—Continued	Page
REGISTRAR OF SUPREME COURT	110
ballot papers and certificate of judge toinspection of ballot papers supervised by	118 121
REGULATIONS	70
defined	72 104
Remuneration clerical assistance, of	76
Reports	440
returning officers, of, with returns	119 114
Requisitions constables, for	122
Representation Act designation of electoral districts under	72
Residence Ontario, in, as qualification for voting	79
change of, within two months of polling	80 139
defineddefined	72, 73
electoral district, in, as qualification for votingvoting in polling places where	79 99
Returning Officers	
additional deputy returning officers appointed by	90
polling places in discretion ofadjournment on non-return of ballot boxes	90 113
advertising candidates expenses by	136
affidavit of, after returns	119 163
appointment of	84
approval of appointment of constables by	99 122
attendance at recount	115
ballot boxes provided byreturned to	88 112
ballot papers printed by	95
O	78, 113 117
equality at recount, on	100
form of	153
notice repoll books to contain	100 83, 84
certificate by, re polling lists	98
certificate of judge to re validity of nominations	118 92
Chief Election Officer to instruct	75
compartments in polling places provided by	91, 92 84
directions to voters by	96
form of	141 91
custody of ballot papers in, at recount	115
date of receipt of writ of election endorsed by	86 88
declaration of results by	113
declarations of withdrawal todelivery of ballot hoves by	93 89
delivery of ballot boxes bydeputy—See Deputy Returning Officers.	89
discretion of, re-posting of proclamations	86, 87
disqualified from voting	78 88

ELECTION—Continued	PAGI
RETURNING OFFICERS—Continued	
duty on receipt of ballot boxes	112
re disappearance of ballot boxes	113 90
proper building for polling placeselection clerk appointed by	88
form of commission re	143
election supplies furnished by	93
endorsement on election papers by	119
unused election papers by	119 132
fees of	137
payment of	137
irregularities by, prior to poll	76
limitation of certificates to agents of candidates by	
penalty for contravention of	101 103
list of advance voters sent topersons obtaining certificates kept by	100
entries of refusals in.	
entries of refusals in	119, 120
notice to	120
municipalities divided into polling subdivisions by	89
nomination papers filed withnotices as to secrecy sent to	92 83
of advance polls by.	102
form of	153
notices of recount to	115
withdrawal posted by	93
notification of appointment as	83
oath of secrecy by	123 164
form ofoaths by	86
form of	144
penalty for refusal	86
official agents of candidates, published by	93
orders for arrests by	122
paper for ballot papers sent topenalties for failure to post proclamations	95 87
penalty for failure to provide ballot boxes.	
persons disqualified to act as	85
penalty for	85
validity of election not affected by	85
persons exempt from acting as	92 94
poll books to	83, 84 90
for additional polling places supplied by	97
to	97
polling places fixed by	89
additional	90
advanced polls, forin unorganized territory	102 94
powers of	122
administration of oaths, re	77
non-delivery of statements, re	114
present at recount	115, 116
printer's receipt to	95, 96 148
form of	
re imperfect nomination papers	92, 93
proclamations by	86
deputy returning officers, re	94
form of	144
form of reading ofprovisions for delays in posting proclamations	146 87
report of cause for	87
qualifications of	84
receipt of deputy returning officers re ballot papers to	96, 97
form of	151
record of ballot papers by	96 84
refusal or incapacity to act as	119
report or, with returns	11/

ELECTION—Continued	PAGE
RETURNING OFFICERS—Continued	
return of ballot boxes by	89
records and all unused materials by	
returns by	
special reports by	
spoilt ballot papers returned to	
statement of appointment of agents to	134
statement of receipts and expenses to	137
penalty for failure	
false	
preservation of	400
subsequent appointments of deputy returning officers by	
election clerks appointed by	
supplies furnished to	
time for request for certificates from	
transmission of election papers by	119
union of polling subdivisions by	89 115
withholding returns by, on recount	
writ of election to new	04
Returns	
See also Statements.	
bribery to obtain	124, 125
election of	
form of	
report accompanied by	119
mandamus to compel. notice of, in Ontario Gazette.	119, 120
notice of, in Onarto Gazene	120
Revising Officers	
affidavit of change of residence filed with	
application by proxy to be listed to	
certificates by, re change of residence.	
torm of	140 104
certificates of appointment of proxy	
disqualified for election.	
entry of new voter on list by	1 1
revised lists prepared by	
RURAL POLLING SUBDIVISION	72
defined	
omission of name from polling listoath re	
form of	
	100
Schedules for "Notes of Objection"	
poll books to contain	83, 84
Secrecy	
Secrecy • maintaining	. 122
notices of	83
form of	
oath of	
form of	
poll books to contain	83, 84
penalties for violating	133
pretence of non	128
violation ofprosecutions re	123 123
prosecutions re	123
Secret	
markings on ballot papers	95
SECURITY	0 -
manufacturer of ballot papers, by	95
recount, for	114

ELECTION—Continued	PAGE
Service notice of appeal, of	118
SIGNATURES statements of results to	112
SOLDIERS qualifications for voting by disabled temporary absence of, not to disqualify voting voting of incapacitated.	79, 80 80, 81 91
Soldiers' Hospitals polling places in	91
Statements See also Returns.	
candidates' receipts and expenses, of penalty for default of false publishing of	137 137 137 137
false, re withdrawal of candidates. poll, of, poll books to contain. verification by judge.	129 83, 84 116
recount, incorrect result, of. custody at recount	
disappearance of	113, 114 114 117
form ofsignatures to	159 112
STATIONERY King's Printer to supply, to returning officers	83
STUBS ballot, with numbering of	96 96
Students temporary absence of, not to disqualify voting	80, 81
SUPREME COURT appeals to applications for mandamus to inspecton of ballot papers by order of	119, 120 121
motion for removal of disqualification to Term	131
appointment of proxy, of	103
Time actions for recovery of penalties forappeal, for	134 117
from judges' decision on recount, for	117 136 120 82
employees to take, for voting. filing of nomination papers, for hearing of appeal, for. nominations, for	110 92 118 86
notice of recount, for opening of advance polls, for posting proclamations, for statements of receipts and expenses to returning officers, for the statements of receipts and expenses to returning officers, for the statements of receipts and expenses to returning officers, for the statements of receipts and expenses to returning officers, for the statements of receipts and expenses to returning officers, for the statement of the	115 102 86 137
Town Hall proclamations posted up in	86, 87

ELECTION—Continued		PAGE
Travelling Expenses candidates, of		135
Treasurer of Ontario cheque for accounts by		138
TREATING penalties for		126
Urban Polling Subdivision defined		73
Uniformity ballot papers, of		96
UNORGANIZED TERRITORIES ballot boxes returned to clerks of the peace in		89 82 95
posting of proclamations in		87
VACANCIES chairmanship, of		74 75
Veterans disabled, franchise form of oath re		79, 80 157
Voters advance		102, 103
list of, to returning officer. swearing of		103 102 119, 120 109
of, inducing display of. blind persons as form of oath re.		123 107 158
bribery of. British subjects by naturalization. candidates guilty of corrupt practices, disqualified as		81 130
communicating information re compartments for. declarations by advance.	91	123 1, 92, 105 102 102
penalties for falsedeputy returning officers as instructions bydesignation of place to vote by initials, of		94, 106 107 90
directions to, posting up of		96 141 123
entries of, in poll books.		108
exclusion of other, from compartments friends of blind persons as oath of		109 107 107
form of . impersonation of . name of, entered in poll books		158 109 109 109
incapacitated by blindness, etc Indians disqualified as interference with		107 82
leaving premises, upon voting		109 108 124, 125
notice reguidance to		83

ELECTION—Continued	Page
Voters—Continued	
oath of qualification and allegiance of	
form of	156, 157
penalties for procuringsupplying conveyances for	127
undue influence of	128
violating secrecy of	133
persons disqualified as	78, 79
exception	78
penalty forpersons employed by candidates disqualified as	78 78
poll clerks as	98
proxies as, in their own right	104
qualifications for	79, 80
receipt of reasonable charges not to disqualify	135, 136
receiving transportationrefreshments for	127 126
refusing to be sworn.	108
rejection of ballot papers of	111
removal from one electoral district to another	80
certificates to	80
production of, at polls	80 109
removal of ballot papers by, prohibited	79, 82
torm of oath re	157
swearing of questionable	106, 108
penalty for failure of	107
temporary absence not to disqualify	80, 81
tender of votes and voting by unable to read.	109, 110
form of oath re	158
unable to speak English	108
voting in subdivisions where residence of	99
Voters' Lists	402
advance voters on	103 76
irregularities re	133
abettors, re	133
,	
Voters' Lists Act, 1951	
King's Printer to supply forms except those under Part III of	83
proxies entered on lists under	104
revised voters' lists under Act not affected byvoters' lists prepared under	97 97
voters lists prepared under	71
Votes	
ballot, by	105
equality of, casting vote by returning officer	113
irregularities re counting of	76
Voting	400
communicating information re	123
employees to take time off for	110 91
maintaining secrecy re.	122
penalties for procuring persons not entitled to	129
WARDS	06 07
proclamations posted in each	86, 87
Weight	
ballot papers, of	95
representation of the second o	
WITHDRAWAL	
candidates, of	93
form of	146
notice of	93

ELECTION—Continued	PAGE
WITNESSES compellable, for proceedings before Committee on Privileges and Elections of Assemblyperjury by	122 131
Women deemed British subjects	81
Writs of Election date of receipt endorsed on. dated on same day. dates for nomination and polling in directions in, as notice of appointment. oath of election clerk endorsed on. penalties for destruction, etc., of abettors re returning officers subsequently appointed, to	86 83 83 84 88 133 133 84
York County board in composition of	74
See also Active Service Election.	
EMBALMERS AND FUNERAL DIRECTORS commencement of Act member of Board, seat in Assembly not vacated	379 377, 378
ESCHEATS Mining Act referred to mining lands forfeited to Crown disposition of.	165 165 165
F	
FACTORY, SHOP AND OFFICE BUILDING boiler insurance and inspection, provision re, repealed shops, closing of, for weekly holiday	36 167
FAIR EMPLOYMENT PRACTICES ACT exceptions from application of	170
Commission appointment duties powers recommendation to Director direction to clarify order to carry out remuneration of members	171 171 171 171 171 171 171
Complaints form of	170
Conciliation Officer designation of duties report of inquiry by	170 170, 171 171
Consolidated Revenue Fund penalties recovered to form part of	172
Director defined. direction to commission by. form of complaints to be prescribed by. prosecution, recommendation of recommendation of commission made to report of conciliation officer received by.	169 171 170 172 171

INDEX	•	(647
INDEX	1		647

FAIR EMPLOYMENT PRACTICES—Continued	PAGE
DISCRIMINATION advertisements	. 170 . 170
Employer's Organization	
defined Employment Agency	. 109
defined	
Interpretation	. 169
Interpretation Act referred to	. 169
Labour Relations Act referred to	. 171
MINISTER commission, appointment by conciliation officer, designated by consent to prosecution to be given by defined order of	. 170 . 172 . 169
Offences.	. 171, 172
Penalties amount of disposition of	
Person defined	. 169
Prosecutions consent of Minister. style of	
Trade Union defined discrimination as to membership in	. 169 . 170
FARM PRODUCTS MARKETING	
BOARD power to authorize pooling co-operate with local boards in other provinces. determine conditions of contract, etc. exercise power vested in, by Canada regulate marketing of tobacco.	. 174 . 173 . 174
Commencement of Act.	. 173
Companies Act referred to	. 174
EQUALIZATION FEES provisions re, repealed	. 174
Lieutenant-Governor in Council dissolution of local boards bygranting to local boards powers under Companies Act	. 174 . 174
Local Board dissolution of powers under Companies Act may be given to	. 174

FARM PRODUCTS MARKETING—Continued	p,	AGE
Marketing defined		173
		_,,
Pooling	173,	174
Tobacco power of Board to regulate marketing of		174
FEMALE EMPLOYEES FAIR REMUNERATION		
Commencement of Act		179
Commission		470
appointmentduties		178 178
powers		178
recommendations.		178
classification of		178
remuneration of members of		178
Complaint		
form of		177
Conciliation Officer		
complaints inquired into by		
designation		177
report to Director by		178
Consolidated Revenue Fund penalties recovered to form part of		179
penalties recovered to form part of		117
DIRECTOR		
defined		177
direction to commission to clarify recommendationsreport of conciliation officer to		178 178
report of concination officer to		170
DISCRIMINATION		
equal pay		177
pay based on factor other than sex		177
Establishment		
defined		177
LABOUR RELATIONS ACT		170
referred to		178
Minister		
commission, appointment by		178
conciliation officer, designation by		177
consent to prosecution		179
defined		177
order of		178
Pay		
defined		177
equal, for male and female		177
based on factor other than sex		177
Penalties		
amount of	178.	179
to form part of Consolidated Revenue Fund		179
Programme		
Prosecution consent of Minister required.		179
consent of withister required		119
FIRE DEPARTMENTS		
commencement of Act		181
hours of work, alternative system of platoons		181
maximum, decreased		181

FIRE PREVENTION See Forest Fires Prevention.	PAGE
FOREST FIRES PREVENTION area surrounding mills, clearing of	184 184 183 183
FORT WILLIAM (CITY) commencement of Act. Fort William Gardens Board, accounts appointments to. confirmed borrowing power composition. deficits. employees and servants liaison with council officers. powers profits quorum remuneration report to council vacancies. management by Board.	481 480 480 481 480 481 480 481 480 480 480 480 480
G	
GAME AND FISHERIES	
BAG LIMITS moose and deer	187
Camps Catering to Anglers or Hunters inspection of	185
Commencement of Act	189
DEER bag limits. defined females, and males under one year, provisions re, repealed	187 185 187
Fire-arms, Licence to Carry holder of licence to trap fur-bearing animals excepted	185
GAME purchase and sale of	188
GAME IN CAPTIVITY application of provisions re. permit to keep. 1 issue of offence. refusal and cancellation of.	186 85, 186 186 186 186
Guns prohibition as to	188
Licences for persons under 16 to possess game for exceptional purposes, provisions re, repealed	189 185
Moose bag limits.	187 186

GAME AND FISHERIES—Continued	PAGE
Penalties game kept in captivity	186 188, 189
Prosecutions procedure.	188
REGULATIONS licences for persons under 16	189
SNARES use of prohibited in Longford and Victoriain open season	187 187
Tourist Outfitter's Camp defined	186
GAS PIPE LINES	
Arbitration compensation for land expropriated. appeal from award. nature of. notice of. procedure.	193 193 193 193 193
BOARD decisions of, final defined. granting of certificate of convenience and necessity. leave to corporation, re construction of line	194 191 191 193, 194
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY application for map to be filed with notice of public hearing re terms in	191 191 191 191 191
Corporation application for certificate of public convenience by powers of in addition to other powers. right of entry for repairs	191 192 194 193
Expropriation compensation. amount, manner of determining. determined by arbitration. correction of errors in description, etc. deposit in proper registry or land titles office. land temporarily required.	193 193 193 192 192 192
GAS defined	191
LAND defined expropriation of	
Line definedleave to construct, over highways, etc	191 193 194
Ontario Municipal Board Act application of	194

GENERAL TRUST OF CANADA	PAGE
accounts	484, 485
commencement of Act	485
investments authorized	484
jurisdiction of Ontario courts and judgespowers	485 484
registration under Loan and Trust Corporations Act, authorized	484
security	484
trust company, authorized to act in Ontario as	484 485
limitationtrust funds	485
GREATER NIAGARA GENERAL HOSPITAL	400 401
Board of Governors, authority	488
officers	489
remuneration of members	489
vacanciesborrowing power	488, 489
commencement of Act.	492
constitution	488
first meeting	487, 488 490
gifts to	489
voting power	489
Trust, assets vested in new cor-	400
poration	489 492
former Acts repealed gifts, etc., to, vested in new	1)4
corporation	489
incorporation	487
investments	490 492
regulations re	492
powers, affiliation with training schools	491
establishment of training schools, etc	491
vested in board of governors	490, 491
property, described	492
exempt from expropriation	491
sale ofpurposes.	490 490
repeal of former Acts	492
residences, establishment, etc	491
superintendent, powers ofterms of office of members	491 488
training schools, affiliation with.	491
establishment of	491
GREATER NIAGARA GENERAL HOSPITAL TRUST	
See Greater Niagara General Hospital,	
CREAMED MODONING ACCRECATION DOLLER	
GREATER TORONTO ASSESSMENT BOARD	
Access	
Board's right of	196
Appeals	
application of Assessment Act to	199
jurisdiction of special courts of revision re	198
rights of Board re	199
time for disposition of	199 199
	177
Area Municipality	
access to records assistance to Board by.	196 196
of, by Board	196
Board to be supplied information and records by	196
defined	195
proclamation re assessment in	197

GREATER TORONTO ASSESSMENT BOARD—Continued	PAGE
Assessment Act	
application	200
to appeals to court of revision	199 200
connect with	200
Assessment Roll	
entry of land of non-residents on	199
return in area municipality, time for	198
extension of	199
Assessments	
business, preparation under direction of Board	197
preparation under direction of Board	197
proclamation re, in area municipalitysteam railway company.	197 199
steam ranway company	1//
Assistance	
Board to furnish to municipalities	196
municipal assessors to furnish, to Board	196
Board	
access, right of	196
assistance of municipalities by	196
chairman	195
absence of	195 195
constituted.	195
defined	195
membership	195
objects and powersoffice accommodation and equipment.	196 196
powers of, after proclamation	
remuneration of members and staff	197
payable out of Consolidated Revenue Fund	197
reports by	197
staff, appointment of	197 195
vice-chairman	195
Commencement of Act	200
Consolidated Revenue Fund	
expenses of Board payable out of	197
remuneration of members and staff of Board payable out of	197
of courts of revision payable out of	198
County Assessor	
not to have jurisdiction in area municipality	_ 197
Courts of Revision	
appeals to	
time for hearing and disposing of.	199 199
constitution	198
jurisdiction	198
members, disqualification	198
numberqualification.	198 198
remuneration.	198
quorum	198
Documents	
signature by chairman	195
FILING FOURTHEAT	
FILING EQUIPMENT furnished by municipalities	196
	170
Information	
municipalities to supply to Board	196

GREATER TORONTO ASSESSMENT BOARD—Continued	PAGE
Lieutenant-Governor proclamation, power to make.	197
LIEUTENANT-GOVERNOR IN COUNCIL court of revision, members appointed by	
remuneration fixed by	
extension of times by	199
members of Board, appointment by	195 195
designation of chairman and vice-chairman byremuneration of, fixed by	193
vacancy to be filled by	195
office accommodation and equipment to be furnished by	196
reports to	197 198
extension by	199
Minister of Municipal Affairs approval of appointment of staff of Board by	197
Non-residents and of, method of entry on assessment roll	199
Office Accommodation	
furnished by Lieutenant-Governor in Council	
municipalities	196
PROCLAMATION BY LIEUTENANT-GOVERNOR	197
RECORDS and inspection of municipal, by Board	196
Reports	408
on progressvaluations.	197 197
to be made available to municipalities and county	197
Steam Railway Company assessment of	199
GRANTHAM (TOWNSHIP) See St. Catharines (City).	
GUNS	
See Game and Fisheries.	
H	
HAMILTON (CITY)	
Building Lines by-laws respecting	503-505
Commencement of Act.	506
Hamilton Street Railway Company agreement with, by-law authorizing confirmed	506
set out	507
confirmed	506 507-509
Health and Safety	
by-laws respecting	493-499
Off-street Parking Facilities by-law requiring provision of	505
Parking Fund	
establishment expenses payable from	505 506
use of, to provide parking facilities.	506

HAMILTON (CITY)—Continued	Page
Parking Lots acquisition and operation, etc	506
Smoke Control by-laws respecting	499-503
HAIRDRESSING ESTABLISHMENTS See Municipal. Public Health.	
HIGH SCHOOLS	
Commencement of Act	204
COUNTY COUNCIL issue of debentures by	204
DEBENTURES issue by county councilpayments toward, time for	204 204
Equalized Assessment defined	201
High Schools declaring open	202, 203
HIGH Schools Boards sale of property by, authorized	203 203
High School Districts decreasing area of	201, 202
Pension Scheme initial payments towards, included in permanent improvements transfer of credits on change of employment	201 203
Permanent Improvements defined to include initial pension contributions	201
Property sale by boards	203
HIGHWAY IMPROVEMENT	
AGREEMENT cost of construction, how borne maintenance, how borne. jurisdiction re streets constructed, etc., under. re county road extensions approval by Minister.	206, 207 205 205, 206
Commencement of Act	211, 212
Contributions by city or town, limit county form of. how to be paid minimum subsidy for.	209 209 210 209
Development Roads application of s. 93 to	211
Local Improvement Act	209

HIGHWAY IMPROVEMENT—Continued		P.	AGE
MUNICIPAL ACT referred to	2	208,	211
Notice to Recover or Alter, etc. compensation for compliance with			211
Public Works Act referred to			211
Subsidy city, town or village re aid to township county local municipalities re cost of special work. urban municipality.			205
Township Roads aid granted by city, etc., for			211
HIGHWAY TRAFFIC			
Commencement of Act			217
DEPARTMENT powers and duties to be exercised by Minister			213
Fund solicitor's bill of costs to be taxed before payment out fees chargeable limited			216 216
Lamps required			214
Left Turn Signal method of giving			215
Licence to be carried, penalty			216
MINISTER delegation of powers and duties to Registrarto act on behalf of Department			213 213
Motorcycle defined lamps number plate.			213 214 214
Number Plates required, generally			, 214 214
Offence in Municipality other than that of Residence appearance before justice of peace		215	, 216
REGISTRAR Minister's powers and duties, delegation to			213
RIGHT HAND DRIVE VEHICLES sign required, unless equipped with automatic signal device		214	, 215
SIGNAL-LIGHTS method and place of installation			215
Signalling Devices requirements			215
SOLICITORS bill of costs to be taxed before payment from Fund fees limited to taxed costs			216 216

HOMES FOR THE AGED	PAGE
commencement of Acthome for the aged, establishment in districts by city or townprovincial subsidy, new buildings	220 219 219
computing cost of	219
operating costs, in counties	
HOSPITALS TAX	
commencement of Actentertainment by one or more paid entertainers, defined	222 221
tax on admission to	221, 222
place of entertainment, definedtax on admission to	221 222
HOUSING DEVELOPMENT	223
commencement of Actjoint housing agreements, municipal powers under	223
HOSPITALS See Brockville General Hospital.	
GREATER NIAGARA GENERAL HOSPITAL. HOSPITALS TAX.	
Mental Hospitals.	
Public Health. Sanatoria for Consumptives.	
HUNTING	
See Game and Fisheries.	
• т	
^	
INCOME TAX SUSPENSION commencement of Act	225 225
INCORPORATED SYNOD OF DIOCESE OF ONTARIO See St. Thomas Church, Belleville.	
INCORPORATED SYNOD OF DIOCESE OF OTTAWA Mountain Memorial Canonry, application of income from transfer of fund if new Diocese created.	511 511
INSURANCE	
Accident and Sickness Insurance application to extended coverage under motor vehicle liability policies.	250
Assets of Insurer	
insufficiency of, provisions repealed	227
Automobile Insurance	
application for driver's licencemisrepresentation on application for	242, 243 244, 245
motor vehicle liability	245-250
scope of licencestatutory conditions	
Beneficiary circumstances disentitling wife or husband as	241, 242
Commencement of Act.	254
Deposits	
administration of	227, 228
Insurance Company liquidation and winding-up.	47-55

NSURANCE—Continued	PAGE
Motor Vehicle Liability Policies	
application of insurance money under, contribution among insurers	250
coverage of driver's policyowner's policy	246
extended coverage.	
defence where	250
liabilityexceptions from	
special cases.	249
third party defendant	250
unnamed insurer, rights of	246
	210, 211
Owner's Policy coverage of	245 246
defined	
RECIPROCAL DEPOSITS	222 214
administration of	238-241
SALESMAN	
defined	227
licence of	251 251
issue	252
offence to act without	253
officers who may act underrevocation	253 250
salaried officials acting without	251
term and renewal	253
type of insurance covered by	252 253
who salesman may act for underlicensed, notice of appointment	252
termination of employment	
Ţ	
J	
PUNCII COMMINIMU CENTRE OF TORONTO	
EWISH COMMUNITY CENTRE OF TORONTO tax exemption	513
tax excliption	010
EWISH CONGREGATION ANSHE-SHOLEM OF HAMILTON	
buildings and works, powers, re	516
commencement of Actincorporation.	516 515
officers	515, 516
powers of	516
real property, acquisition, etc	516
UDICATURE	
commencement of Act	255
Dentistry Act, referred toduly qualified medical practitioner, defined	255 255
High Court of Justice	255
URORS	
Commencement of Act.	260
EXEMPTION	
absolute	257
woman may obtain by notice	257, 258
form	260
Full Jury	
where, does not appear	259

JURORS—Continued	PAGE
Husband and Wife not to be on same panel	. 258
Jury composition of	. 259
Juryman "juror" substituted for	. 260
Jurymen "jurors" substituted for	. 260
Notice by Woman Claiming Exemption form of	. 260
Petit Jurors number to be returned	. 258
Precept form of	. 259, 260
Qualification	. 257
SELECTION by district selectors	. 258
JUSTICES OF THE PEACE solicitors, disability of practising, provision re, repealed	. 261
L	
LABOUR See Fire Departments. Police. Workmen's Compensation.	
LAND TITLES subdivision plan areas, designation of	
LAND TRANSFER TAX collectors' commission abolished	265 265
LAW SOCIETY Legal Aid Plan	267
LEASEHOLD REGULATIONS Act, administration. commencement. conflict. proceedings, continuation of. Wartime Leasehold Regulations, continued. defined.	270 270 269 269 269 269
LEGAL AID PLAN See LAW SOCIETY. power to change	209, 270
LIQUOR LICENCE amalgamations, etc., effect of. Board's orders, finality of. commencement of Act. licences, applications for, filing. form. leave. notice. powers of Board on hearing for cancellation re suspension of.	271 275 271 271 271 271, 272 272
questions, submission of	272-274

INDEX	659

LOCAL IMPROVEMENT debentures, application of surplus proceeds from	Page 277
publication, defined	277 277 277
LONDON (CITY)	
Commencement of Act	524
Community Centre and Arena construction of, authorized	524
funds for	524
London Transportation Commission city, Commission to repay advances. establishment of Commission by Council.	521 517
real property to remain vested incommission, accounts	518, 519
acquisition of land	522 522
body corporate by-laws.	517 518
claims against	522
defined	517 517
fiscal yearfunds	521 520
insurance	522
investmentspersonal property vested in	522
powers	
quorum	518
repayment to City of advances, etcself-sustaining	521 521
transportation system under control of	518, 519
commissioners, appointment	517, 518 518 517
re-appointment	518 518
term of office	518 517
London Street Railway Company, redemption of shareswinding-up	
Parking Lots	523
RETIREMENT ALLOWANCES TO EMPLOYEES	524
Sewers	502
City's share of cost of certain	523
LONDON TRANSPORTATION COMMISSION See London (City).	
M	
MENTAL HOSPITALS	
indigent patients transferred from institution, charges for, in public hospital, manner of payment	279
provincial aid, indigent patients regulations, respecting contributions to public hospitals by province	279
MILK CONTROL	
Agreements and Awards	
additional milk re-negotiation of	282
term	282

MILK CONTROL—Continued	[®] Page
Arbitration	281
Award re-defined	281
BOARD powers enlarged281,	282, 378
Chairman of Board casting vote	281
Commencement of Act	283, 379
Increase in Price of Milk prohibited	283, 378
Market defined	378
Maximum Prices power of Board to fix	281, 378
Milk defined	378
MINING commencement of Act. Companies Act, lands forfeited to Crown under quarry permit, application for fee for inspection of premises covered by issue of material removed under, payment for mining claim, right to stake out, not affected penalty records to be kept by holder returns by holder. sand, gravel or stone, licensee not authorized to remove from mining claim. testing laboratories, establishment and maintenance. MOORE (TOWNSHIP) Canadian Oil Refineries Limited, fixed assessment commencement of Act. MOTHERS' ALLOWANCES allowance, where payable local authority, re-defined. mother, defined.	286 287 287 286 287 285 287
Air-guns prohibition or regulation of discharge of	301
Auctioneers county licensing by-law, effect of	304
Barber Shops licensing, etc	304
Basement Levels establishment	300
Building Lines by-law prescribing	297-299
CANDIDATE undertaking duties of agent	295

MUNICIPAL—Continued		PAGE
CERTIFICATE OF CLERK BEFORE OPENING OF POLL	29	5, 306
Certificate of Occupancy requiring		303
Commencement of Act		306
CONTRACTS for street watering and oiling. supply of public utility.		299 296
COUNCIL certificate re taxes with declaration of qualification. composition in village or township where wards. disqualification for unpaid land tax. business tax. qualification for, in new township. staggered system under two-year term.		294 293 294 294 294 4, 295
DEBENTURES application of surplus funds raised by general levy to be reduced by receipts, etc	29	297 95, 296
DEPARTMENT OF INDUSTRIES establishment former provision repealed expenditure for publicity.		305 303 305
Driving Schools licensing, etc	30	94, 305
Fuel regulating measuring and weighing		303
Grades of Streets establishment		300
Hairdressing Establishments licensing, etc		304
INDUSTRIAL SITES application of receipts where debt outstanding		301
JOINT FIRE DEPARTMENTS powers of police village trustees re establishment		306
Nomination Meeting taxes to be paid before opening		294
Parking Facilities requiring provision of	30	02, 303
Parking Lots levy for, as local improvement	29	9, 300
Polling Places candidate and agent not to be present location		295 295
POPULATION method of determining		293
Public Address Systems licensing, etc		302
Publicity establishment of department of industriesexpenditures for		305 305
Public Utility contracts for supply of	,	296

MUNICIPAL—Continued	PAGE
Refreshment Vehicles licensing, etc	304, 305
Reserve Funds	296, 297
RESTRICTED AREA By-LAWS certificates of occupancy notice of application for approval of. parking facilities, requiring provision of. rocky lands, restricting use. size and floor area of buildings, regulation of.	303 303 302, 303 302 302
Restricted Areas notice of application to Municipal Board re	303
Septic Tanks licensing, etc., of installers	304
SMOKE PREVENTION cities and towns authorized to pass by-laws re. publication of by-law re.	303, 304 · 301
Spring-guns prohibition or regulation of discharge of	301
Street Watering and Oiling contract for	299
Township composition of council where wards qualification of councillor in new.	293 294
Two-year Term staggered system under	294, 295
Wheeled Vehicles licensing	301, 302
MUNICIPAL AFFAIRS See DEPARTMENT OF MUNICIPAL AFFAIRS.	
N	
NATURAL GAS CONSERVATION gas storage, reference to judge.	307
NAVIGABLE WATERS See Beds of Navigable Waters.	
NIAGARA DEVELOPMENT commencement of Act easements continued. exercise of powers, effect of financing under Act Niagara Parks Commission, powers Ontario Hydro-Electric Commission, powers.	312 311 312
NIAGARA DEVELOPMENT AGREEMENT Canada-Ontario agreement, approvedset out	313 314, 315 313
NIAGARA FALLS (CITY) commencement of Act water supply contract, by-law authorizing, confirmed set out	527 528
confirmedextension authorizedset out	527 527 529-532

NIAGARA PARKS	PAGE
commencement of Act	317
commission, composition	317
vacancies	317
NURSES REGISTRATION	
Board, defined	319
power to make regulations	19, 320
commencement of Act	320
Minister, defined	319
membér of Boardregistered nurse, defined	319 319
misuse of title	320
registration	320
rights of appeal	320
register of registered nurses	320
MIDCING	
NURSING	224
certified nursing assistant, defined	321 322
registration	322
training	
Council of Nursing.	322
Director, defined.	321
powers and duties	
Lieutenant-Governor in Council, may appoint Director	321
schools of nursing	322
training courses for nursing assistants	21, 322 21 322
training courses for nursing assistants	21, 322
OLD AGE PENSIONS local authority, defined	323
OLEOMARGARINE	22.
analysts, appointment	325
inspectors, appointmentobstructing	325 325
powers and duties.	326
oleomargarine, advertising	325
packaging	325
re-defined	325
regulations, power to make, extended	326
ONTENDIO I OAN	
ONTARIO LOAN	227
commencement of Actloans up to \$100,000,000 authorized	327 327
special sinking fund authorized	327
terms and rates.	327
o pmoatrampy.	
OPTOMETRY	220
Board, compositionelection, appointment, etc	329 329
execution of instruments by	
commencement of Act	330
property, transfer of, to new Board	330
OSHAWA (CITY)	
annexation order, confirmed	533
effective date	533 35-540
assets and liabilities, agreement between city and township re, confirmed	533
	41-545
Set out	41-040
between city and county re, confirmed. 53	
between city and county re, confirmed 53	
between city and county re, confirmed 53 set out 5 supplementary agreement between city and town-	33, 534 48-553
between city and county re, confirmed. 53 set out 55 supplementary agreement between city and town- ship re, confirmed	33, 534 48-553 533
between city and county re, confirmed. 53 set out 5 supplementary agreement between city and town- ship re, confirmed	33, 534 48-553 533 6, 547
between city and county re, confirmed. 53 set out 55 supplementary agreement between city and town- ship re, confirmed	33, 534 48-553 533

OTTAWA (CITY) annexation orders, confirmed	PAGE 555
set out. bus system, acquisition confirmed. commencement of Act Gloucester township sewers and waterworks, powers of City re certain.	556-568 555 555 555
private drains and service pipes	555
OTTAWA (SYNOD OF DIOCESE OF) See Incorporated Synod of Diocese of Ottawa.	
P	
PHARMACY council, certain actions against, barred disciplinary powers	332
pharmaceutical chemist, cancellation of registration re-instatement	332
right of appealsuspension of registrationwho may act as	332 332 331
when Act not to apply	333
PLANNING commencement of Act	336 336
to zone	335
planning board, term of office of members	335
POLICE board, power to appoint members of police force. power to make disciplinary regulations. commencement of Act.	337 337 338
head of council, power to suspend repealedmunicipal police forces, appointment of members of, where boardprovincial police, approval of agreement to police municipalitiesregulations, disciplinary, power to make.	337 337 337 338
POWER	
See Niagara Development. Niagara Development Agreement. Power Commission. Rural Telephone Systems.	
POWER COMMISSION	
Advances	
payment of securities in respect of	342 340, 341 341
Advisory Council number of members increased remuneration deemed part of administration expenses	339 339
Commencement of Act.	344
Expropriation extent of powers re	340
Frequency Standardization by Municipalities where Commission may bear cost	340
cost may be apportioned	340

POWER COMMISSION—Continued	PAGE
Funds authority to raise for works. used to purchase debentures or other securities. utilization of.	341 344 344
Insurance by municipality or municipal commission insurance fund in lieu of. where not nécessary. Commission may effect on behalf of municipality group. Commission included in. how cost chargeable.	343 343 343, 344 343 343 343 343
Powers and Purposes what to include.	342, 343
SECURITIES payment of, in respect of advances	342
Sinking Fund application of moneys set apart as	339
Township areas, establishing, altering or enlarging after May 1st, 1951, prohibited	343
PRIVATE FOREST RESERVES reserved timber rights, release of, by Minister timber, cutting, where land released from reservation	345 345
PRESSURE VESSELS See Boilers and Pressure Vessels.	
PROVINCIAL LOANS borrowing in U.S. dollars, provision for commencement of Act. protection of certain securities, provision for, repealed provincial securities, may be issued subject to call. special and general sinking funds authorized.	348 347, 348
PUBLIC HEALTH barber shops and hair dressing establishments, provision re regulating and licensing repealed. commencement of Act. isolation hospitals, grants for maintenance.	349 349
PUBLIC LANDS commencement of Act. opening of lands to settlers. pine trees, released from reservation. summer resort lands, building conditions voided trees on agricultural lands.	351 352, 353 353
PUBLIC OFFICERS' FEES commencement of Act division court clerks and bailiffs, part of gross fees to be paid to Provincial Treasurer. minimum salary of sheriffs, etc., raised.	355
PUBLIC SCHOOLS commencement of Act pension scheme, former provision respecting contributions repealed power to debenture initial payments toward transfer of credit on change of employment township inspector, appointment. powers, etc	357 357 358 358

PUBLIC SERVICE	PAGE
commencement of Act disability allowance, recomputation	360 359, 360
superannuation, maximum allowance where non-contributory period included in computation	359
recomputation of allowance	
teachers, service credit in Fund	359
teachers' and inspectors' superannuation fund, extension of time for repayment of amount withdrawn from	378
PUBLIC UTILITIES	
commencement of Act	362
contracts, supply of water	361
receipts, payment of, to municipal treasurer	362
water pipes, laying in municipality supplying water under contract	361
Q	
QUARRY PERMITS	
See Mining.	
R	
RACIAL DISCRIMINATION	
See Fair Employment Practices.	
RACING COMMISSION	
commencement of Act	364
Ontario Racing Commission, powers of regulations, general.	364
rules of racing, deemed to be administrative	364
RAILWAY FIRE CHARGE	
annual charge for protection	365
arrears, interest on	
notice for, in 1951payment due	366 365
for year 1951	366
commencement of Act	366
REFRESHMENT VEHICLES	
See Municipal.	
REGISTRY	
minimum salary of registrars of deeds, etc., raisedrecording instruments by photographic duplicates	367 367
	307
RENT CONTROL See Leasehold Regulations.	
See Leasehold Regulations.	
REVISED STATUTES CONFIRMATION	260
Revised Statutes of Ontario, 1950, commencement	369 369
enactments in Schedule A	369
repeal of, confirmedjudicial interpretation	369 369
RIDEAU CLUB	309
bonds, etc., power to issue	569
priorities ofborrowing powers	570 569
former provisions repealed	570
commencement of Act	570 570
	310
RURAL TELEPHONE SYSTEMS commencement of Act	372
financing work done under Act	372
Ontario Hydro-Electric Power Commission, assistance to	371, 372
powers and duties under	371

S

SI. CATHARINES (CITY)	PAGE
commencement of Actindustrial sites, power to acquire in Grantham Township	574 573
previously acquired	574
taxation of, in Grantham Township	574
railway sidings, acquisition of	573
debentures for	573
previously acquired	574
sale or lease of	573, 574
CON TRANSPORTED (CATALAN	
ST. THOMAS (CITY)	F 70
annexation of land to City	578 578
effective datesbus franchises, powers of City relating to	577 578
commencement of Act	579
purchases and sales of certain lands validated	
description of lands	579
St. Charles Street, name changed	579
*	
ST. THOMAS CHURCH, BELLEVILLE	
commencement of Act	576
sale of lands to Bell Telephone Company, authorized	
Crown, bound by	576
purchase money on, applica- tion	576
vesting of lands under	576
vesting of lands under,	510
SANATORIA FOR CONSUMPTIVES	
examination for tuberculosis	373
SARNIA (CITY)	
city manager, duties and powers of	571
power to appoint	571
salary of	571
commencement of Act	572
SCHOOL CITES	
SCHOOL SITES	375
site, restriction on location in township repealed	375
acquisition	010
SECURITIES	
correction of typographical error	378
commencement	378
STAMFORD (TOWNSHIP)	
See NIAGARA FALLS (CITY).	
STATUTE LAW AMENDMENTS	
Administration of Justice Expenses	2 17 17
tariff of fees, Crown attorneys	377
A	
Assignment of Book Debts	377
registration of assignment, extension of time for	311
Commencement of Act	378 370
COMMENCEMENT OF ACT	310, 319
Credit Unions	
registrar, defined	377
registrar, defined	0,,
Embalmers and Funeral Directors	
member of Board, seat in Assembly not vacated	377, 378
member of board, seat in rissembly not vacated	,
Milk Control	
market, defined.	378
maximum wholesale price	378
milk, defined	378

STATUTE LAW AMENDMENTS—Continued	PAGE
Public Service teachers' and inspectors' superannuation fund, extension of time for repayment of amounts withdrawn from	378
Securities correction of typographical error	378
STEAM BOILERS See Boilers and Pressure Vessels.	
SUCCESSION DUTY commencement of Act exemption of certain gifts inter vivos enlarged. property passing on the death of the deceased, how certain rights valued meaning of expression extended.	382 382 381, 382 381
SUPPLY application of moneys to be accounted for. commencement of Act. provision for fiscal year ending March 31st, 1951. March 31st, 1952. Schedules.	384 383 383 383 385
T	
TAXATION See HOSPITALS TAX. INCOME TAX SUSPENSION. LAND TRANSFER TAX. SUCCESSION DUTY. TEACHERS' AND INSPECTORS' SUPERANNUATION credit for teaching, children of members of armed forces. Indians. inmates of penal institutions. employment as teacher in College of Art. school or class designated by regulations. payments out of fund into similar funds. See also Public Service.	387 387 387 387 387 388
TELEPHONES See Rural Telephone Systems.	
TORONTO (CITY) Art Gallery of Toronto, grants to	
TOURIST CAMPS See GAME AND FISHERIES.	
TRAINING SCHOOLS commencement of Act. Ontario training schools, liability of municipality. private training schools, liability of municipality. provincial contribution.	389 389
TRUSTEE actions where no executor or administrator, appointment of administrator, ad litem	391
TRUST GÉNÉRAL DU CANADA See General Trust of Canada.	

U

UNCLAIMED ARTICLES application of Act to dyeing.	PAGE 393
UNEMPLOYMENT RELIEF commencement of Act provision as to residence re-enacted. 39 responsibility for relief. 39	396 95, 396 95, 396
UNITED CHURCH OF CANADA commencement of Act investments, power of Church and boards re	584 33, 584
V	
VICTORIA UNIVERSITY	
Albert College affiliation continued	595
BOARD OF REGENTS constitution	36, 587 586 585
duties powers. 58 present members continued. property, power to hold.	588 88-590 595 587 587, 588 588
vacancies	587
constitution. powers. present members continued.	594 595 595
CHANCELLOR duties	591
Commencement of Act.	595
Emmanuel College alumni of, defined. 58 continued. council, constitution. powers and duties	5, 586 593 593 594 595
principal, duties of	592
FACULTY defined.	585
Graduates defined	585
Interpretation. 58	5, 586
Officers continuation in office of present	595 1, 592
President duties.	592
REGISTRAR duties	592

VICTORIA UNIVERSITY—Continued	1	PAGE
Repeal Victoria University Act, 1928 and Victoria University Act, 1944		595
Royål Charter		586
Senate constitution		
powers present members continued term of office		591 595 591
Tax Exemption.	587	, 588
Vice-Chancellor duties		592
VICTORIA COLLEGE continued		592
council, constitution	592	592 , 593 595 592
VICTORIA UNIVERSITY continued		586
VITAL STATISTICS		
annual report		397 397 397
sub-registrars, appointment oftransmission of documents by		398 398
VOCATIONAL EDUCATION joint vocational school boards, provision for, repealed		399 399
VOTERS' LISTS		
General Application of Parts		
Part I, towns, villages, townships		402 402
BOARD chairman, certificate of, on payment of fees and expenses		402 401
fees and expenses of		402
payable by province		402
affidavit in support of application for name to be placed on revised list. as to disqualification of person registered verifying list of complaints of persons wrongfully registered. application to judge against delinquent clerk		437 452 450 446
for registrationappointment of enumerator in rural polling subdivisions		449 452
in urban polling subdivisionscertificate on first part of municipal voters' listsecond part of municipal voters' list		447 436 436
of clerk of peace where no complaintswhere complaints made		
of judge on statement of charges where complaints made revised list where complaints made		
enumerators' record form Lieutenant-Governor in Council, prescribed by list of complaints of persons wrongfully registered.	401,	447 433 450 401
modification of		435

INDEX	671
VOTERS' LISTS—Continued	PAGE
GENERAL—Continued FORMS—Continued	
notice of first posting up of municipal voters' list	436 441 441, 442
of complaint or appeal	448 453
to voter objected to	451 452 447 440
for payment of costsreport of clerk to judge in case of appeals and complaintswhen applying for certificate under section 20	445 439, 440 443
subpoena. summons voters' list form for use of enumerators writ of execution.	442 446 448 445
Judge approval of, modification of forms in Scheduledefined	401 401
Municipality no assessment roll, deemed to be without municipal organization	402
Polling Subdivision defined	401
Prescribed defined	401
Repeal and Commencement.	434
RETURNING OFFICER to act on receipt of telegram in lieu of receipt of writ	402
REVISING OFFICERS decision of, final	402
Rural Polling Subdivision defined	401
Voter defined	401
Municipal Voters' Lists	
evidence by, on revision of list	407
APPEAL list of, distribution notice of time for entering qualification incorrectly stated on	408, 409 406 410
substitution of new appellant or complainant. time for who entitled to	414
APPLICATION correction of mistakes, re entry on voters' list, for inspection and copying. striking off names of persons dying after revision, for.	408 407 418 412
Assembly list of appeals sent to member of	

V

OTERS' LISTS—Continued	PAGE
MUNICIPAL VOTERS' LISTS—Continued	
Assessment by judge of person added to list	416
Assessment Act procedure on complaint	408
Assessment Roll alterations in, affecting right of entry on listimproper insertion of name in, offence	412 417, 418
inspection and copyinglist to be made after return of	418 402 418
wardlist to be made up in same order asmunicipality without	403 402
not conclusive evidence on revision of lists when deemed not to have been returned.	407 408
Assessor	111 115
costs of correction of errors due to fault of	417
remuneration of	413, 414
Attorney-General report of judge re fraud to	414
British Subject	410
prima facie evidence re	410
CERTIFICATE clerk of, re correctness of list	406
clerk of the peace, of, re lists.	436 410, 411
forms	411
judge, of, re statement of changes	444, 445 411 444
form Registrar-General, of	412
CERTIFICATION lists, of, by clerk of the peace where no complaints	410
where complaints allowed by judge. revised list, of, by judge.	411
CLERK OF DIVISION COURT	,
voters' list sent to	406
CLERK OF MUNICIPALITY certificate of, re correctness of list	407
costs of correction of errors due to fault of	114, 415
effect on penalty	417
form ofsummons to clerk	446 446
failure to perform not to vitiate list	416
neglect of, by clerk, penaltyentry of voter added to list on assessment roll by	417 416
falsifying list by, penalty	417
fees for copies of listslist of alterations in voters' list sent to	418 412
lists prepared by	102, 418
names of persons dying after revision struck off.	412 412
notice of complaint to	408
transmission and posting up of listpreparation of, by	406 402
printing, posting up and distribution of lists by	105, 419

VOTERS' LISTS—Continued	PAGE
MUNICIPAL VOTERS' LISTS—Continued	
CLERK OF MUNICIPALITY—Continued	
remuneration of	413
payment of	414
report of, to be sent to clerk of the peace	410
revised list, changes in, by	412 413
to permit inspection and copying of documents	418
CLERK OF THE PEACE	410 411
certification of list by	410, 411
fees for copies of lists.	418
list of appeals sent to	
remuneration of	411
voters' lists sent to	405, 419
COMPLAINT	100
inspection and copying of	418
loss of qualification, of	408
notice of	408
qualification incorrectly stated on	410
revision of list on	407, 419
substitution of new appellant or complainant	414
time for making	407, 419
who childred to make.	407
Constable	
appointment of	414
fees of	414 414
powers of	414
COURT	415
division, enforcement of payment of costs inholding of	
sittings of, re complaints.	410
COURT OF APPEAL opinion may be given at instance of voter	416
reference to, argument, time and place of	415
authority for	415
hearing of	416
Court of Revision	
costs of correction of errors due to fault of	415
Costs	411 415
correction of blamable errors, order for paymentform of	414, 415
discretion of judge re	415
enforcement of payment of, by execution	415
form of	445 415
liability of appellant forscale of	415
Scale of the second sec	110
DEATH	
evidence of	412 412
striking of names off list after	412
Documents	
inspection and copying of	418
E-parple Dividimen	
FARMER'S DAUGHTER entry of, on list	403
entry of, on fist	230
Farmer's Son	400
entry of, on list	403

PAGE

MUNICIPAL VOTERS' LISTS—Continued

House of Commons list of appeals sent to member of voter's list sent to member of	408,	409 406
JUDGE amendment of proceedings by assessment by, of persons added to list. certification of revised list by. statement of changes by. ward lists by. clerk subject to control of. compensation of clerks, etc., to be certified by costs in discretion of. court held by.	411,	411 419 413 414 415
defined	408, 408,	401 410 409 414
report of, re fraud. revision of list by decision re, final. voters' list sent to. JURORS	406,	419 407 405
entry on list of persons qualified as		404
alterations in, by judge certification of, by clerk of the peace where no complaints. where complaints allowed by judge. certification of revised, by judge certified, effect of correction of, after revision of assessment roll. correction of errors in, by judge. date of posting of copies of distribution of entry on, farmer's daughter farmer's son. husband or wife of person rated jurors, qualified as non-resident voter owner or tenant. property partly in one subdivision and partly in another real property, qualification separate school supporters.	405,	403 403 404 405 404 404 403 404
voter assessed in several divisions of same ward errors due to fault of clerk or assessor, costs of correction court of revision, costs of correction falsifying, penalty fees of municipal clerk and clerk of peace for copies of first part, voters at provincial and municipal elections form of.	414,	415 417 418 403
frauds in respect of. report of judge re. last revised, certified copies. name on, prima facie evidence. list of alterations in, certified by judge. name to be entered only once.		414 414 410 410 412 403
exception in wards polling subdivision post office address of voter printing revision by judge time for second part, voters at municipal elections validity of, notwithstanding clerk's failure to perform duties wards—See WARD LIST.		403 403 404 405 419

VOTERS' LISTS—Continued	Page
MUNICIPAL VOTERS' LISTS—Continued	
MUNICIPALITY costs of correction of errors of court of revision payable by duty of, re holding court in. list of appeals sent to council of. remuneration of clerk of the peace paid by. treasurer, payment of compensation to clerks, etc., by voters' list sent to council of.	 . 412, 413 . 408, 409 . 411 . 414
Notice amendment of, by judge complaint, of. form inspection and copying of transmission and posting up of list, of.	 . 408 . 437-439
OFFENCES AND PENALTIES assessment roll, improper insertion of name in . clerk, neglect of duties by. colourable transfer of property. procuring . falsification of list . recovery of penalties .	 . 417 . 417 . 417 . 417
OWNERS entry on list of	 . 404
POLLING SUBDIVISION list for each	 . 403
POST MASTER voters' list sent to posting of	
QUALIFICATION acquired before time for giving notice of appeal expires	 408
REGISTRAR OF DEEDS voters' list sent to	 405
REPORT clerk, of, to clerk of the peace form of	
REVISION decision of judge, final. evidence by affidavit. time for voters' list, of	 407 410, 419
School Board voters' list sent to secretary of	 405
SEPARATE SCHOOL SUPPORTERS entry on list of	 404
Sheriff voters' list sent to posting of	
STATEMENT changes in list, by judgedelivery of copies of	 411 411

VOTERS' LISTS—Continued	PAGE
MUNICIPAL VOTERS' LISTS—Continued	
SUBPOENA attendance of witnesses form of number of names in service of	409 442 410 409
Summary Convictions Act penalties recoverable under.	418
Taxes liability for, of persons added to list	416
TENANTS entry on list of:	404
VOTER clerk's duties, application to enforce performance of, by. opinion of Court of Appeal at instance of. post office address of qualifications of.	416 416 404 402-404
Ward List in Cities complaints re, certifying where no. procedure on time for effect of certified. final revision of, time for. posting up and distribution. preparation of, on return of ward assessment roll.	419 419 419, 420 419 419 418
WITNESSES attendance ofpenalty for failure.	409 410
Provincial Voters' Lists	
BOARD clerk of, duties of defined fees payable to locations for registration and revision, fixed by records to be kept by. revising officers, additional, appointment by appointment by clerks to, appointment by replacement of, by. sittings of, notice to be given by.	433, 434 424 433 424 423, 424 424
CLERK OF THE BOARD duties of	433
CLERKS duties fees payable to See Clerk to Revising Officer, Clerk of the Board	
CLERK TO REVISING OFFICER appointment of	423, 42
Conservator of the Peace revising officer has powers of	429
Constables appointment of, by revising officer	. 42
Costs and Expenses how payablepayable by Province.	. 433, 43

Provincial Voters' Lists—Continued		
I ROVINCIAL VOIERS LISTS—Commune		
EMPLOYER application by, to add to or correct urban list		42.
evidence on	425.	
form of	,	449
Enumerators		
act jointly in urban subdivisions		420
appointment, in rural subdivisions		430
form of		45:
in urban subdivisionsform of		44
care in preparation of list required	420,	
duties of		43
equipment to be supplied to	122	42
fees payable to	430,	43
in urban subdivisions	422.	42.
neglect of duty by, penalty	,	43
nomination of		42
notice of inability to obtain information, form of		44
supply to be given tonotice of intention to select		42
oath required, in rural subdivisions.		430
form of		45
in urban subdivisions		420
form of	122	44
preliminary lists, certification and posting by	423,	43
form of		44
records to be kept by		43.
re-enumeration by, after complaints		42
refusal of returning officer to appoint persons nominated		42 43.
replacement of	131	43
notice of	T 51,	430
form of		45.
selection in urban subdivisions	420,	42
voters' list forms to be supplied to		42
form of		448
municipal, copy of first part to be supplied to		+41
ENUMERATORS' RECORD FORMS		40
book of, to be given to enumeratorform of		42:
	122	
FEES	433,	4.54
Forms		
power to prescribe		433
set out	447	-453
Interpreter		
use of, where necessary		429
and only white the cooled by the transfer of the cooled by		
Lists		
additions and corrections to be certified by revising officer		429
appointment of enumerators to prepare, in rural subdivisions		430
copies of, distribution to official agents		433
directions as to preparation and revision		434
municipal, copy of first part to be given to enumerator		423
official, in rural subdivisions.	432,	433
urban subdivisions		430
preliminary, in rural subdivisions, certification and posting up distribution to candidates		431
preparation	430,	
printing		431
revision	431,	432

678	INDEX		
VOTI	ERS' LISTS—Continued	P	AGE
	PROVINCIAL VOTERS' LISTS—Continued		
Lı	preliminary, in urban subdivisions, certification and posting distribution to candidates furnished to revising officers printing revised, in rural subdivisions, certification and transmission proper list for preparing polling lists urban subdivisions, certification and transmission of proper list for preparing polling lists time for preparation of where municipal, destroyed wrongful entry on, procedure on complaint of where voter objects re	426,	423 424 422 423 432 429 429 434 402 427
N	OTICE OF INABILITY TO OBTAIN INFORMATION form of		448 421
Oı	FFENCES AND PENALTIES enumerator, neglect of duties by		433
Oı	FFICERS duties		433
Oı	FFICIAL AGENT copies of lists for candidates may be sent to		433
Po	DLLING SUBDIVISION defined		401
R	application for. re-enumeration after. complaint re wrongful entry, at first day of sittings. affidavit on. notice of. by filing complaint. notice of. districts, establishment by returning officer. notice of, in rural subdivisions. form of. suitable places for, to be obtained by returning officer time and general locations for.	427, 426,	426 428 451 451
R	EGULATIONS	433,	434
R	ELATIVE application by, to add to or correct urban list. evidence on. form of	425,	425 426 449
R	eturning Officers appointment of enumerators by, in rural subdivisions form of in urban subdivisions		430 452 420
	form of certificate of, of error in official list equipment of enumerators to be supplied by. mode of selection by, in urban subdivisions. polling list, certificate of, re preliminary list, distribution by. printing by rural, furnished by, to enumerator. urban, furnished by, to revising officers refusal of, to select persons nominated as enumerators	430, 420, 423, 423,	421 432 431 431 431 424 421
	registration and revising districts, establishment by		42

OTERS' LISTS—Continued	P	AGE
PROVINCIAL VOTERS' LISTS—Continued		
Democratical Control of the American Control of the Am		
RETURNING OFFICERS—Continued replacement of enumerator by		433
replacement of enumerator by		430
printing by		430
to act on receipt of telegram		402
REVISING OFFICERS		
additional, appointment of		424
application for entry, procedure when granted		428
refused		428
appointment of		423
complaints made to	425.	-428
decisions final		402
entry of revisions and corrections on list by		429
fees payable to	433,	424
oath of		429
powers at revision sittings, conservator of peace		429
generally		428
to appoint constablespreliminary list to be furnished to		428
qualifications of		423
records to be kept by		433
removal from list by, to be evidence on oath		429
after notice only		429
replacement of		429
sittings of, notice of	424,	425
time and place forstatement of changes, certification and transmission of, by		424 429
statement of changes, certification and transmission of, by		447
RURAL POLLING SUBDIVISION		
defined		401
enumerators for, appointment of		447
oath required		430
form of		447
notice of registration and revision in, form of		453 430
posting up polling list, certificate of error in		433
certification by returning officer		432
official list	432,	433
preliminary list, certification and posting up of		431
changes in		432
to be in ink		432
copies to be furnished enumerator for revision		431
preparation by enumerators	±30,	431
revision of		
revised list, certification of		432
proper list for preparing polling liststransmission of		432
transmission of		434
STATEMENT OF CHANGES		
certification and transmission of, by revising officer		429
copies of, printed, with list to form official list		450
Urban Polling Subdivision		
application for registration and complaints in		
form of		449
re-enumeration in case of		426
relative or employer, by	425,	426
copies of statement of changes for, candidates, furnishing to		430
certificate on		430

V

VOTERS' LISTS—Continued	PAGE
Provincial Voters' Lists—Continued	
Urban Polling Subdivision—Continued	
defined	401
enumerators for, appointment of	420 447
oath required.	420
form of	447
supplies to be given to	421 430
official list, printed list and statement of changes to constitute	430
preliminary list for, certification and posting of	422, 423
distribution of	423
preparationprinting of	422 423
to be furnished to revising officers	424
wrongful entry on list, complaints re	426-428
Voter	
defined	401
VOTERS' LIST FORMS	
Voters' List Forms form of	447
supply to be given to enumerator	421
WITNESS FEES	433, 434
Wrongful Entry	
complaints of	426-428
Repeal and Commencement	
Voters' Lists Act Repealed.	434
VOLERS EISTS HET RETEABLED	404
Commencement of Act.	434
117	
VV	
WHEELED VEHICLES See Municipal.	
WINDSOR UTILITIES COMMISSION	
commencement of Act	597
retiring allowances, authority to provide	597
initial contribution by Commission plan for, confirmed	597 598
set out	598
WOLF AND BEAR BOUNTY presentation of skin not a wolf skin	455
release of wolves and bears from captivity	455
WOMEN	
See Deserted Wives' and Children's Maintenance. Female Employees' Fair Remuneration.	
TEMALE EMPLOYEES PAIR REMUNERATION. JURORS,	
Mothers' Allowances.	
WOODSTOCK (CITY)	
WOODSTOCK (CITY) annexation order, confirmed	599
effective date	599
set out	601, 602
annexed area, assessment and taxation for 1952	599
commencement of Act	600

WORKMEN'S COMPENSATION	PAGE
Chiropody Act referred to	458
Commencement of Act.	460
Compensation accident outside Ontario, employer individually liable, provisions repealed. based on maximum wages, maximum increased expenses of burial in death cases. lump sum increased liability for, exception weekly payments, commutation of	457 457 458 458 458 457 457
FARMING INDUSTRY application of Part I to	460
MEDICAL AID charges for chiropodists defined determination of questions of rendering of accounts for	459 458 458, 459 459 459
Real Property power of Board to acquire	460
Reports duty to furnish	459, 460
WYCLIFFE COLLEGE commencement of Acttheology, power to grant degrees and certificates in	603 603
Y	
young Men's Christian Association of Greater Niagara borrowing powers. commencement of Act. constitution and by-laws, continued. directors. educational courses. exemption from taxation. endowment fund. incorporation. investments. loaning powers. members. objects. property, liable for existing debts. vesting of. real estate, power to acquire and dispose of.	607 607 606 606 607 607 607 607 607 606 606

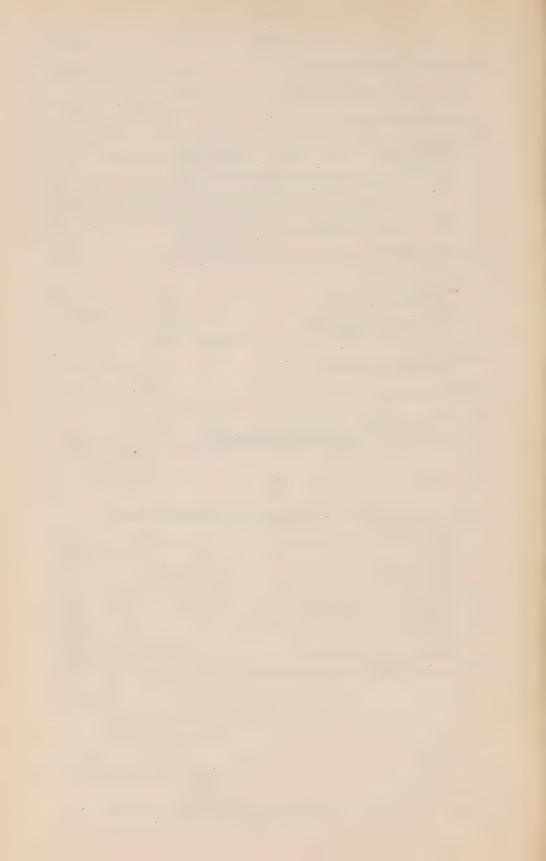


TABLE OF PUBLIC STATUTES

Title of Act	R.S.O. 1950 Chap.	. Amendments in 1951
Absconding Debtors Act Absentees Act Accidental Fires Act Accidental Fires Act Accidental Fires Act Active Service Election Act (1945, c. 1) Administration of Justice Expenses Act. Adoption Act Agricultural Associations Act Agricultural Committees Act Agricultural Development Act Agricultural Development Finance Act Agricultural Development Finance Act Agricultural Societies Act Agricultural Societies Act Alcoholism Research Foundation Act Alcoholism Research Foundation Act Alcoholism Research Foundation Act Andrew Mercer Reformatory Act Andrew Mercer Reformatory Act Apportionment Act Apportionment Act Apportionment Act Architects Act Architects Act Architects Act Artificial Insemination Act Assessment Act Assessment Act Assignment of Book Debts Act Assignments and Preferences Act Athletics Control Act Audit Act Auxiliary Classes Act	1 2 3 4 4 5 6 7 8 8 9 10 11 12 13 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29	1951, c. 1, sup. 1951, c. 83, s. 1. 1951, c. 2. 1951, c. 3.
Bailiffs Act. Barristers Act. Beach Protection Act Beaches and River Beds Act. Beds of Navigable Waters Act. Bees Act. Bills of Sale and Chattel Mortgages Act. Blind Workmen's Compensation Act. Boards of Education Act. Boilers and Pressure Vessels Act. Bread Sales Act. Bridges Act. Building Trades Protection Act. Bulk Sales Act. Burlington Beach Act. Business Records Protection Act.	30 31 32 33 34 35 36 37 38 39 40 41 42 43 44	1951, c. 5. 1951, c. 6. 1951, c. 7.
Cancer Remedies Act	45 46 47	1951, c. 8.

Title of Act	R.S.O. 1950 Chap.	Amendments in 1951
Charitable Gifts Act	48 49	1951, c. 9.
Charities Accounting Act Children of Unmarried Parents Act	50 51	1951, c. 10.
Children's Maintenance Act	52 53	1951, c. 11.
Chiropody Act	54 55 56	
Commissioners for taking Affidavits Act. Community Centres Act.	57 58	1951, c. 12.
Companies Act	59 60	1951, c. 13.
Conservation Authorities Act Consolidated Cheese Factories Act	61 62 63	
Consolidated Revenue Fund Act Constitutional Questions Act	64 65	
Continuation Schools Act	66 67	1951, c. 14.
Co-operative Marketing Loans Act Coroners Act	69	1951, c. 15.
Corporation Securities Registration Act. Corporations Tax Act	71 72	1701, 6. 10.
Costs of Distress Act		
Act County Courts Act County Judges Act	75	1951, c. 16.
County Publicity Act	77 78	
Credit Unions Act	80	1951, c. 83, s. 3.
Crown Timber Act	82 83	
Cullers Act	84 85	
D		
Dairy Products Act Damage by Fumes Arbitration Act		
Day Nurseries Act	88	1951, c. 17.
Definition of Time Act Dental Technicians Act Dentistry Act.	. 91	
Department of Agriculture Act Department of Education Act	93	1951, c. 18.
Department of Labour Act Department of Municipal Affairs Act Department of Planning and Develop	. 96	1951, c. 19.
ment Act Department of Public Welfare Act	. 97	
Department of Reform Institutions Act Department of Travel and Publicity Ac	t 100	
Dependants' Relief Act Deserted Wives' and Children's Main tenance Act	-	1951, c. 20.
Devolution of Estates Act	103	
Ditches and Watercourses Act Division Courts Act	105	

		SIC SIMICIES 000
Title of Act	R.S.O. 1950 Chap.	Amendments in 1951
Dog Tax and Live Stock Protection Act. Dominion Courts Act. Dower Act. Drugless Practitioners Act.	107 108 109 110	
E		
Egress from Public Buildings Act Election Act. Embalmers and Funeral Directors Act. Employment Agencies Act. Entry of Horses at Exhibitions Act. Escheats Act. Estates Tail Act. Estreats Act. Evidence Act. Execution Act. Executive Council Act. Extra-judicial Services Act. Extramural Employment of Persons under Sentence Act. Extra-provincial Corporations Act.	111 112 113 114 115 116 117 118 119 120 121 122	1951, c. 21, sup. 1951, c. 83, s. 4. 1951, c. 22.
Factors Act. Factory, Shop and Office Building Act. Fair Employment Practices Act. Farm Loans Act. Farm Loans Adjustment Act. Farm Products Containers Act. Farm Products Grades and Sales Act. Farm Products Marketing Act. Fatal Accidents Act. Federal District Commission Act. Female Employees Fair Remuneration Act. Female Refuges Act. Ferries Act. Fines and Forfeitures Act. Fire Accidents Act. Fire Accidents Act. Fire Bepartments Act. Fire Guardians Act Fire Guardians Act Fire Marshals Act Fire Extinguishment Act Floral Emblem Act. Forest Fires Prevention Act Forest Resources Regulation Act Forest Resources Regulation Act Fraudulent Conveyances Act Fraudulent Debtors Arrest Act. Fruit Packing Act Frustrated Contracts Act. Fuel Supply Act.	125 126 127 128 129 130 131 132 133 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150	1951, c. 7, s. 46 and c. 23. 1951, c. 24. 1951, c. 25. 1951, c. 26. 1951, c. 27.
Game and Fisheries Act. Gaming Act. Gas and Oil Leases Act. Gas Pipe Lines Act.	153 154 155	1951, c. 29. 1951, c. 30.

TABLE OF TODAY STATELES			
Title of Act	R.S.O. 1950 Chap.	Amendments in 1951	
Gasoline Handling Act. Gasoline Tax Act. General Sessions Act. Ginseng Act. Gold Clauses Act. Government Contracts Hours and Wages Act. Greater Toronto Assessment Board Act. Guarantee Companies Securities Act.	156 157 158 159 160 161	1951, c. 31.	
Н			
Habeas Corpus Act. Haliburton Act. High Schools Act. Highway Improvement Act. Highway Traffic Act. Homes for the Aged Act. Horticultural Societies Act. Hospitals Tax Act. Hotel Fire Safety Act. Hotel Registration of Guests Act. Hours of Work and Vacations with Pay	163 164 165 166 167 168 169 170 171 172	1951, c. 32. 1951, c. 33. 1951, c. 34. 1951, c. 35.	
Act	173 174	1951, c. 37	
I			
Income Tax Act Income Tax Agreement Act Income Tax Suspension Act Industrial and Mining Lands Compensation Act Industrial Farms Act	175 176 177 178	1951, c. 38.	
Industrial Standards Act. Infants Act. Injured Animals Act. Innkeepers Act. Insurance Act. Interpretation Act. Interprovincial Drainage Act. Investigation of Titles Act. Investment Contracts Act.	185	1951, c. 39.	
J			
Jails Act. Judges' Orders Enforcement Act. Judicature Act. Jurors Act. Justices of the Peace Act. Juvenile and Family Courts Act.	190 191 192	1951, c. 40. 1951, c. 41. 1951, c. 42.	
L			
Labour Relations Act. Lakes and Rivers Improvement Act. Land Surveyors Act. Land Titles Act. Land Transfer Tax Act. Landlord and Tenant Act. Law Society Act.	195 196 197 198 199	1951, c. 43. 1951, c. 44. 1951, c. 45.	

TABLE OF TUBLIC STATUTES			
Title of Act	R.S.O. 1950 Chap.	Amendments in 1951	
Law Stamps Act Leasehold Regulations Act Legislative Assembly Act Legitimation Act Liegitimation Act Libel and Slander Act Lieutenant-Governor Act Lightning Rods Act Limitations Act Limited Partnerships Act Line Fences Act Liquor Control Act Liquor Licence Act Live Stock and Live Stock Products Act Loan and Trust Corporations Act Local Improvement Act	201 202 203 204 205 206 207 208 209 210 211 211 212 213 214 215	1951, c. 46. 1951, c. 47. 1951, c. 48.	
Logging Tax Act	216 217 218		
M			
Magistrates Act. Magistrates' Jurisdiction Act Marine Insurance Act. Marriage Act Marriage Act Marriage Act Matriage Act Maternity Boarding Houses Act. Materimonial Causes Act. Mechanics' Lien Act. Medical Act Mental Hospitals Act Mental Hospitals Act. Mental Incompetency Act. Milk and Cream Act. Milk Control Act. Mills Licensing Act. Minimum Wage Act. Mining Tax Act. Mining Tax Act. Mortgages Act. Mortgages Act. Mortmain and Charitable Uses Act. Municipal Act. Municipal Act. Municipal Corporations Quieting Orders Act. Municipal Drainage Act. Municipal Drainage Act. Municipal Drainage Act. Municipal Drainage Act. Municipal Pranchises Act. Municipal Franchises Act.	220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 240 241 242 243	1951, c. 49. 1951, c. 50 and c. 83, ss. 5, 6 (aff.). 1951, c. 51. 1951, c. 52. 1951, c. 53.	
N			
Natural Gas Conservation Act	251 252 253 254	1951, c. 54. 1951, c. 55. 1951, c. 56. 1951, c. 57.	

Title of Act	R.S.O. 1950 Chap.	Amendments in 1951
Nursery Stock Act	255 256	1951, c. 59, s. 9, rep. 1951, c. 58. 1951, c. 59.
О		
Official Notices Publication Act. Old Age Pensions Act. Oleomargarine Act. One Day's Rest in Seven Act. Ontario Food Terminal Act. Ontario Loan Act. Ontario Municipal Board Act. Ontario Municipal Improvement Corporation Act. Ontario Northland Transportation Commission Act. Operating Engineers Act. Optometry Act.	257 258 259 260 261 262 263 264 265 266	1951, c. 60. 1951, c. 61. 1951, c. 62.
P		
Parents' Maintenance Act. Parole Act. Partition Act. Partition Act. Partnerships Act. Partnerships Registration Act. Pawnbrokers Act. Penal and Reform Institutions Inspection Act. Personation Act. Petty Trespass Act Pharmacy Act. Planning Act. Planning Act. Police Act. Power Commission Act. Power Commission Act. Power Commission Act. Power Control Act Power Sof Attorney Act Prepaid Hospital and Medical Services Act. Private Detectives Act. Private Forest Reserves Act Private Sanitaria Act.	285 286 287 288 289	1951, c. 64. 1951, c. 65. 1951, c. 66. 1951, c. 67.
Private Sanitaria Act Probation Act Professional Engineers Act Professional Engineers Act Protection of Cattle Act Provincial Aid to Drainage Act Provincial Auctioneers Act Provincial Forests Act Provincial Land Tax Act Provincial Loans Act Provincial Parks Act Psychiatric Hospitals Act Public Accountancy Act Public Commercial Vehicles Act	291 292 293 294 295 296 297 298 299 300 301 302 303	1951, c. 69.

	I	
Title of Act	R.S.O. 1950 Chap.	Amendments in 1951
Public Halls Act	305 306 307	1951, c. 70.
Public Inquiries Act	308 309 310	1951, c. 71.
Public Officers Act Public Officers' Fees Act Public and Other Works Wages Act Public Parks Act	311 312 313 314	1951, c. 72.
Public Revenue Act Public Schools Act Public Service Act.	315 316 317	1951, c. 73. 1951, c. 74 and c. 83, s. 7 (aff.).
Public Service Works on Highways Act. Public Trustee Act Public Utilities Act	318 319 320	1951, c. 75.
Public Utilities Corporations Act	322 323 324	
Q		
Quieting Titles Act	326	
R		
Race Tracks Tax Act	328 329 330 331 332	1951, c. 76. 1951, c. 77.
Act. Reciprocal Enforcement of Maintenance Orders Act Reformatories Act.	334	
Registry Act. Regulations Act. Religious Institutions Act. Replevin Act.	336 337 338 339	1951, c. 78.
Representation Act	341 342 343	1951, c. 79.
Rural Power District Service Charge Ac Rural Telephone Systems Act		1951, c. \$80.
S		
Sale of Goods Act		1951, c. 81.
School Attendance Act	347 348 349	1951, c. 82.
Schools for the Deaf and Blind Act Securities Act. Security Transfer Tax Act. Seduction Act. Seed Grain Subsidy Act.	351 352 353	1951, c. 83, s. 8.

Title of Act	R.S.O. 1950 Chap.	Amendments in 1951
Seed Potatoes Act. Separate Schools Act. Settled Estates Act. Settlers' Pulpwood Protection Act. Sheriffs Act. Short Forms of Conveyances Act. Short Forms of Leases Act. Short Forms of Mortgages Act. Silicosis Act. Ski Tows Act. Slot Machines Act. Slot Machines Act. Soldiers' Aid Commission Act. Solicitors Act. Spruce Pulpwood Exportation Act. Statute of Frauds. Statute Labour Act. Statute Labour Act. Statute Law Amendment Act. Statutes Act. Steam Boilers Act. (See now Boilers and Pressure Vessels Act.) Steam Threshing Engines Act. Succession Duty Act. Summary Convictions Act. Surrogate Courts Act.	355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374	1951, c. 83. 1951, c. 7, s. 46, rep. 1951, c. 84. 1951, c. 85.
Survivorship Act	382	
Teachers' Boards of Reference Act. Teachers' Superannuation Act Teaching Profession Act. Telephone Act Telephone Act Territorial Division Act Theatres and Cinematographs Act. Threshing Machines Act. Ticket Speculation Act Tile Drainage Act Tourist Establishments Act. Town Sites Act Trade Schools Regulation Act. Training Schools Act. Transportation of Fowl Act. Travelling Shows Act Trees Act Trustee Act.	383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400	1951, c. 86. 1951, c. 87. 1951, c. 88.
U		
Unclaimed Articles Act	401 402 403 404	1951, c. 89. 1951, c. 90.
Vacant Land Cultivation Act	405 406 407	

THE STATE OF THE S		
Title of Act	R.S.O. 1950 Chap.	Amendments in 1951
Venereal Diseases Prevention Act. Veterinary Science Practice Act. Vexatious Proceedings Act. Vicious Dogs Act. Vital Statistics Act Vocational Education Act Voters' Lists Act.	408 409 410 411 412 413 414	1951, c. 91. 1951, c. 92. 1951, c. 93, sup.
Wages Act Warble Fly Control Act. Warehousemen's Lien Act. Warehouse Receipts Act. War Veterans Burial Act. Water Powers Regulation Act. Weed Control Act. Welfare Units Act. Well Drillers Act. Wharfs and Harbours Act. White Cane Act. Wills Act. Wolf and Bear Bounty Act. Woodmen's Employment Act. Woodmen's Lien for Wages Act. Workmen's Compensation Insurance Act	416 417 418 419 420 421 422 423 424 425 426 427 428 429 430	1951, c. 94. 1951, c. 95.



TABLE OF PROCLAMATIONS

Setting out the Acts and parts of Acts contained in the Revised Statutes of Ontario, 1950 and subsequent annual volumes that have been and that are to be brought into force by Proclamation

Α

ACTS AND PARTS THEREOF PROCLAIMED AND THE DATES UPON WHICH THEY CAME INTO FORCE

Companies Amendment Act: 1951, c. 13. (1st July, 1951).
Insurance Amendment Act: 1951, c. 39, ss. 4 and 5 (1st July, 1951); ss. 2 and 7 to 18 (1st January, 1952).
Leasehold Regulations Act: 1951, c. 46 (30th April, 1951).

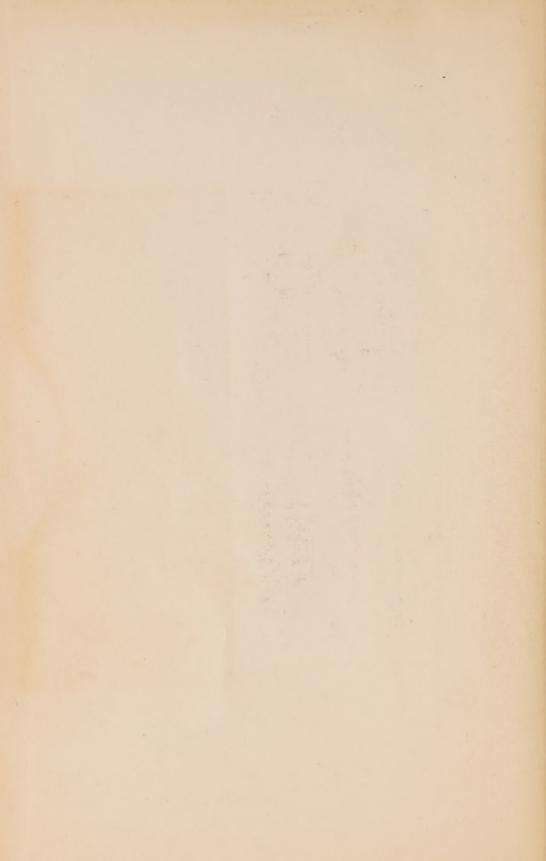
В

ACTS AND PARTS THEREOF NOT PROCLAIMED AS OF JUNE 12th, 1951

ACTIVE SERVICE ELECTION ACT: 1951, c. 1.
BOILERS AND PRESSURE VESSELS ACT: 1951, c. 7.
INCOME TAX ACT: R.S.O. 1950, c. 175.
INSURANCE ACT: R.S.O. 1950, c. 183, ss. 311, 312, 313.
JUDICATURE AMENDMENT ACT: 1951, c. 40, s. 1.
MINING ACT: R.S.O. 1950, c. 236, s. 155 (application to certain parts of Ontario).
NURSES REGISTRATION ACT: 1951, c. 58.
NURSING ACT: 1951, c. 59.
OPTOMETRY AMENDMENT ACT: 1951, c. 63.
RURAL TELEPHONE SYSTEMS ACT: 1951, c. 80.
WAREHOUSE RECEIPTS ACT: R.S.O. 1950, c. 418, s. 31 (application to certain articles).







P 290 M.A

University of Toronto Library

DO NOT REMOVE THE

IIIL

CARD

FROM

THIS

POCKET

Acme Library Card Pocket
LOWE-MARTIN CO. LIMITED